

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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firearm, slingshot, bow and arrow or otherwise, any bird, or to take the eggs or young of any bird.
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§ 90.03 REMOVAL OF EXCREMENT.

(A) It is hereby declared to be unlawful and to be a nuisance for any person to cause or allow a dog or cat to be on premises, public or private, not owned or possessed by such person unless such person has in said person's immediate possession an appropriate device for removing excrement and/or waste that may be left on the premises by the dog or cat, and further having an appropriate container for deposit of excrement and/or waste; it shall further be unlawful and a nuisance for said person to fail to remove any such excrement and/or waste deposited by a cat or dog from any premises not owned or possessed by such person.

(B) It is expressly provided that this section shall not apply to a vision impaired, legally blind individual, or to a person who is handicapped to the extent that said person would qualify to use a handicapped parking space.
(Ord. 2109, passed 2-11-2008) Penalty, see § 90.99

GENERAL PROVISIONS

§ 90.01 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person to allow any domestic animal of the species of horse, mule, cattle, sheep, swine, or goat to run at large at any time within the city.

(1963 Code, § 6-3-1) Penalty, see § 90.99

§ 90.02 INJURING BIRDS.

It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by use of a

DOGS AND CATS

§ 90.15 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. A veterinarian licensed by the State of Illinois, and appointed by the County of

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LaSalle, pursuant to the Act commonly known as the Animal Control Act, ILCS Ch. 5, Act 5, §§ 1 *et seq.* or said person's fully authorized representative.

ANIMAL. Any animal, other than man, which may be affected by rabies.

CITY. The City of LaSalle, LaSalle County, Illinois.

DANGEROUS DOGS.

(1) Any individual dog, which when either unmuzzled, unleashed or unattended by its owner or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places; or

(2) Any individual dog, which even when muzzled by its owner, or a member of its owner's family, in a vicious or terrorizing manner is allowed by its owner, or a member of its owner's family, to approach any person in an apparent attitude of attack, upon streets, sidewalks, or any public grounds or places; or

(3) Any individual dog, which because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans or to animals and which would constitute a danger to human life or animal life unless handled in a particular manner or with special equipment; or

(4) Any individual dog, which chases a person in a menacing and/or apparent attitude of attack on public or private property; or

(5) Any individual dog that unprovoked, bites a human being or other animal, either on public or private property.

ENCLOSURE. A fence or structure of at least 4 feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in connection with

other measures which may be taken by the owner or keepers such as tethering of a dangerous dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure and shall have a minimum dimension of 5 feet by 10 feet. Additionally, the enclosure shall be double gated at the entrance, with there being at least a 1-foot foyer area between the 2 gates at the entrance. If the enclosure has no bottom secured to the sides, then the sides must be embedded into the ground no less than 2 feet. Additionally, the enclosure must provide protection from the elements for the dog.

LEASH. A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or cat, and it shall be of sufficient strength to keep the dog or cat under control.

OWNER. Any person having a right of property in a dog or cat or who keeps or harbors a dog or cat, or who has it in his or her care, or acts as a custodian, or who knowingly permits a dog or cat to remain in or about any premises occupied by said person.

PERSON. Any person, firm, corporation, partnership, society, association, or other legal entity, any public or private institution of the State of Illinois, any corporation or political subdivision, or any other business unit.

VICIOUS DOGS.

(1) Any individual dog that when unprovoked attacks a human being or other animal either on public or private property;

(2) Any individual dog that when unprovoked bites a human being or other animal on more than 1 occasion;

(3) Any individual dog that on at least 3 occasions, when either muzzled and/or unmuzzled, leashed and/or unleashed, attended and/or unattended by its owner or by a member of the owner's family, in a vicious or terrorizing manner approaches and/or

chases any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(Ord. 1724, passed 1-8-2001)

§ 90.16 LICENSING AND REGISTRATION OF DOGS AND CATS.

(A) Every person who is the owner (as defined within this subchapter) of a dog or a cat in the city shall, commencing on the thirtieth day of June, register said dog or cat with the city on a form indicating the owner of the dog or cat, the breed of dog or cat, the sex of the dog or cat, certification that the dog or cat has been appropriately vaccinated for rabies, and further providing proof of liability insurance in a minimum amount of \$50,000, except that regarding dangerous dogs; the minimum amount then shall be \$100,000. License fees for dogs and cats shall be in the amount of \$5 per animal per year, except that regarding dangerous dogs; the license fee shall be in the amount of \$25 per year. License fees shall be due and payable on or before the thirtieth day of June each year.

(B) Additionally, all dangerous dogs as defined herein, shall be registered as such and be subject to the further provisions contained herein in reference to dangerous dogs.

(C) The City Comptroller shall keep a record of all dog and cat licenses paid and shall furnish to each person paying such license a metal tag having stamped thereon numbers indicating the year for which the license is paid, and in connection with dangerous dogs, the tag shall indicate that the dog is a dangerous dog. A duplicate to replace a lost or destroyed tag may be issued by the City Comptroller upon the payment of the fee of \$2.

(D) The Mayor shall have the power upon request of the City Comptroller, to deputize such persons who are licensed doctors of veterinary medicine within the State of Illinois for the purposes of assisting in the performance of the City Comptroller's duties with respect to registration of dogs and cats, and of dangerous dogs, as may be

appropriate and necessary in connection with carrying out the intent and purpose of carrying out this subchapter. The Animal Control Administrator of the County of LaSalle, is automatically deputized as 1 of such persons authorized to assist in the performance of such duties.

(Ord. 1724, passed 1-8-2001)

§ 90.17 DOGS AND CATS AT LARGE.

(A) It shall be unlawful to permit any dog or cat required to be licensed pursuant to the provisions of this subchapter to be on any public street, sidewalk, alley or other public place, unless such dog or cat has a collar firmly attached around its neck with a license tag, and further on a leash, and in the case of a dangerous dog, it is further in compliance with remainder of the terms and provisions contained herein, in respect to dangerous dogs.

(B) It is expressly found to be unlawful to permit any animal required by this subchapter to be licensed, to run at large within the municipality. Any such animal found upon any public streets, sidewalk, parkway, or any unenclosed place, shall be deemed running at large unless such dog or cat is firmly held on a leash or is in an enclosed vehicle or is otherwise in the firm possession and control of its owner; and in the case of a vicious dog is further in compliance with the remainder of the terms and provisions herein concerning dangerous dogs.

(Ord. 1724, passed 1-8-2001) Penalty, see § 90.99

§ 90.18 DISTURBING THE PEACE.

No person owning any animal required to be licensed under this subchapter shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by barking or making other loud or unusual noises.

(Ord. 1724, passed 1-8-2001) Penalty, see § 90.99

**§ 90.19 NUISANCE CONDITIONS;
IMPOUNDMENT.**

(A) Any dog or cat required to be licensed hereunder found in the city without a license or running at large under conditions set forth above is hereby declared to be a nuisance and may be impounded by the Police Department or such other person or persons appointed to the position of Animal Control Administrator of the County of LaSalle. Any such dog or cat so impounded may be redeemed by the owner upon payment of the fees in connection with the impoundment set by the Animal Control Administrator of the County of LaSalle. In the event that the dog or cat so impounded is registered and licensed in the City of LaSalle, the city shall send a notice to the registered owner of such dog or cat so impounded by certified mail with return receipt requested at said owner's last known address after the animal becomes impounded. In the event that an owner notifies the city that the owner's animal has been lost, and gives the city a description of the animal, the city shall thereafter through its Police Department, notify the owner within 24 hours of impoundment if the animal is located and impounded. Any dog or cat left by its owner with the city for disposition, is not to be regarded as unclaimed or unredeemed, but is to be disposed of as authorized by the owner.

(B) Any reasonable costs in connection with impoundment authorized by the Chief of Police and/or the LaSalle County Animal Control Administrator, shall be borne and paid for by the owner of the dog.

(C) In connection with apprehension and/or impoundment in furtherance of enforcement of this subchapter, a police officer may within said officer's discretion, tranquilize the dog if the dog approaches the officer in a menacing fashion and/or if the officer otherwise reasonably perceives that tranquilization is appropriate in the circumstances; additionally, a police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion that the officer reasonably perceives that the dog is about to attack.

(Ord. 1724, passed 1-8-2001)

**§ 90.20 DISPOSITION OF IMPOUNDED
ANIMALS.**

(A) Any animals impounded by the City of LaSalle, may be turned over at the city's discretion, as exercised by the Chief of Police of the City of LaSalle, through the Animal Control Administrator of the County of LaSalle at any time following impoundment. Further, following the expiration of 7 days of impoundment, if the dog has not been previously turned over to the County of LaSalle Animal Control Administrator, the city may either destroy such animal or deliver the same to an institution requiring live dogs or cats for scientific or educational activities within the State of Illinois, and licensed by the State of Illinois pursuant to the provisions of appropriate statutes, unless the owner of the dog or cat has made an appropriate provision for paying on a regular basis, the fees of impoundment while the animal is impounded.

(B) No animal impounded by the city shall be released from the pound, unless the owner or person who claims ownership, shall exhibit to the City Comptroller that such animal has been vaccinated by a doctor of veterinary medicine licensed within the State of Illinois, for rabies with a 1-year vaccine within a 12-month period, or with a 3-year vaccine within a 3-year period, prior to impoundment.
(Ord. 1724, passed 1-8-2001)

**§ 90.21 PROVISIONS REGARDING
DANGEROUS DOGS.**

(A) All dangerous dogs shall be registered with the city as a dangerous dog, and shall be further in compliance and subject to the remainder of the provisions contained herein regarding dangerous dogs. Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping, or maintaining a dangerous dog which is not registered with and licensed by the city in accordance with this subchapter shall file with the Police Department a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog.

(B) The Police Department shall, upon receipt of such affidavit, inquire of the City Comptroller to determine if the dog is currently registered. The City Comptroller shall notify the Police Department of this fact and if the dog is not registered and otherwise in compliance with this subchapter, the Police Department shall serve notice upon the owner of the alleged dangerous dog, which notice shall include the requirement that the owner shall bring the alleged dangerous dog to the Animal Control Administrator of LaSalle County or in the discretion of the Police Chief to another licensed veterinarian for inspection to determine whether this dog is a dangerous dog by definition as set forth in this subchapter.

(C) In the event that it is determined by the Animal Control Administrator of LaSalle County, or such other licensed veterinarian as was appointed by the Chief of Police to perform the inspection, that said dog is a dangerous dog as defined within this subchapter, the owner shall be cited for not having voluntarily complied with the provisions of this subchapter regarding dangerous dogs. Additionally, pending trial and/or other disposition of the citation for violation of this provision, the Chief of Police and/or such other representative as the Chief of Police may from time to time designate, may impound the dog and/or turn possession of the dog over to the LaSalle County Animal Control Administrator for appropriate action. Alternatively, in the event that the owner then demonstrates proof of compliance with the registration and other provisions herein regarding dangerous dogs, further provided that the owner pays any impoundment costs, the dog may be released by the Police Department within its discretion to the owner provided the dog has not also been alleged to be a vicious dog as defined herein. The provisions and remedies regarding vicious dogs herein are intended to be administered in addition to, and not to the exclusion of, the remedies in reference to dangerous dogs.

(D) Additional provisions that dangerous dogs shall be subject to in connection with this subchapter include the following:

(1) At the time of registration and licensing, each owner of any dangerous dog, shall provide to the

City Comptroller of LaSalle, in addition to the other requirements herein in reference to all dogs and cats, proof of insurance in the amount of at least \$100,000 for any acts of property damage or liability incurred related to injury inflicted by such dog. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy.

(2) Each dog licensed and registered as a dangerous dog, shall be provided by the city a current dangerous dog collar of an approved color for the purpose of identification, which collar is to be worn by the dog at all times as proof of registration. If when due to the length of the dog's hair the collar is not visible, an approved colored lead or chain shall be used.

(3) A dangerous dog collar can be removed from a dangerous dog, solely for the purpose of grooming, or purposes of other care when the dog is secured indoors or in an enclosure as defined herein.

(4) While on the inside of a building on the owner's property, a dangerous dog must be securely confined indoors.

(5) While on the owner's property outside of a building, a dangerous dog must be securely confined in an appropriate enclosure as determined and defined herein.

(6) The owner of a dangerous dog, shall display a sign on said owner's premises facing out from all sides of the premises, warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare, or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

(7) A dangerous dog may be off the owner's premises only if it is muzzled, and restrained by a leash not exceeding 3 feet in length and under the control of an adult able bodied person. The muzzle must be made in a manner that will not cause injury to the dog, or interfere with its vision or aspiration, but must prevent it from biting any person or animal.
(Ord. 1724, passed 1-8-2001)

§ 90.22 PROVISIONS REGARDING VICIOUS DOGS.

(A) No person shall harbor, keep, possess, maintain and/or act as the custodian of any vicious dog as defined in this subchapter within the city limits. Any dog alleged to be vicious by verified complaint may be impounded by the Chief of Police of the city, or by the Chief's designee, in a humane facility for the keeping of dogs and/or the Chief of Police may within his or her discretion, transfer physical control of the alleged vicious dog to the Administrator of the LaSalle County Animal Control Department, consistent with the statute of such cases made and provided, pending disposition of the verified complaint upon which the citation for violation of this subchapter shall be issued, and/or further pending such other action and/or disposition as may have been undertaken by the LaSalle County Animal Control Department pursuant to its appropriate jurisdictional remedies.

(B) No person shall return to or harbor within the city limits of the City of LaSalle, Illinois, a dog previously determined by either LaSalle County Animal Control Administrator, or by a court of competent jurisdiction, to meet this subchapter's definition of vicious dog, unless it has been determined by a higher court of competent jurisdiction, that the determination as to the dog being vicious is erroneous; or alternatively, that it has later been determined by the Animal Control Administrator, and/or another court of competent jurisdiction, that the dog no longer meets the definition of vicious dog as defined within this subchapter. Any such vicious dog located as being harbored in and/or having returned to the City of LaSalle, may be impounded by the Police Department, and/or at the discretion of the Chief of Police, jurisdiction upon impoundment may be transferred to the LaSalle County Animal Control Department in care of the LaSalle County Animal Control Administrator.
(Ord. 1724, passed 1-8-2001)

§ 90.23 EXCEPTIONS.

No dog shall be determined vicious if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused the dog or is a professionally trained dog for law enforcement, including but not limited to, those dogs that are commonly known as K-9 control dogs.
(Ord. 1724, passed 1-8-2001)

§ 90.24 REMEDIES CUMULATIVE.

The remedies as provided to the City of LaSalle contained herein, in reference to the registration of dogs and cats, and registration and other provisions in reference to dangerous dogs and the provisions in reference to vicious dogs as said terms have been defined herein, are intended to be in addition to and not to the exclusion of the remedies of the LaSalle County Animal Control Department and the State of Illinois. The Chief of Police, and/or such other representatives of the City of LaSalle as deemed appropriate shall cooperate with the LaSalle County Animal Control Department in connection with any appropriate and/or reasonably needed investigations.
(Ord. 1724, passed 1-8-2001)

§ 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) For each violation of §§ 90.15 through 90.24, the court shall assess a fine of not less than \$50, and not more than \$500 for each offense. Each day a violation occurs shall constitute a separate offense, and dependent upon the facts and circumstances, more than 1 offense of §§ 90.15 through 90.24 and more than 1 offense of any

particular section of that subchapter may occur on a single day. In addition to the foregoing penalties, any person who violates §§ 90.15 through 90.24 shall pay all expenses, including shelter, food, handling, veterinary care, and expert testimony fees necessitated by the enforcement of §§ 90.15 through 90.24. Further, upon a finding and holding by the court that a licensee has violated §§ 90.15 through 90.24, the City of LaSalle, at the discretion of the Mayor, may revoke the license of the dog or cat and order the former holder of the license to remove the dog or cat from the city.

(Ord. 1724, passed 1-8-2001)

(C) The penalty for violation of § 90.03 shall be a minimum of \$50, and a maximum of \$500 for each violation; and each violation of any portion of § 90.03 shall constitute a separate offense.

(Ord. 2109, passed 2-11-2008)

CHAPTER 91: NUISANCES

Section

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GENERAL NUISANCE REGULATIONS

§ 91.01 CONDITIONS DECLARED AS NUISANCES.

The following acts, conduct and conditions are hereby declared and defined to be nuisances and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the city or within the extra territorial zoning jurisdiction of the city are hereby declared to be unlawful and prohibited.

(A) Any act or offense which is a nuisance according to the common law or statutes of the State of Illinois or declared or defined to be a nuisance by the ordinances of the city.

(B) Any condition or use of any premises or buildings or improvements located thereon which is detrimental to the property of others or which causes or tends to cause diminution in value of other property in the neighborhood in which the premises are located, or which causes unreasonable disturbance to another.

(C) Any condition or use of any premises or buildings or improvements located thereon which is detrimental to the public good or which causes an unreasonable disturbance to another.

(D) Anything which shall constitute the unreasonable, unwarrantable or unlawful use by a person or property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to the right of another or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance.

(E) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(F) To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(G) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and rights-of-way.

(H) To keep or deposit on or scatter over any premises lumber, junk, trash, debris, or unused, unusable or inoperative objects, or equipment such as automobiles, furniture, stoves, refrigerators, or containers.

(I) To allow the emission of unnecessary noise from the premises including, but not limited to the keeping of animals which cause an unreasonable disturbance to another or to the public.

(J) The accumulation of waste, refuse, trash or other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys which may cause the increase of danger of fire or the spread of infectious, contagious and epidemic diseases or anything thereof which shall constitute a public menace.

(K) Any act by an owner, occupant or agent of any owner or occupant of lots, parcels or areas which permits the premises to become unsanitary or

a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premise.

(L) To permit, allow or to keep any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects, provided that the presence of earthworms and a compost pile shall not constitute a nuisance.

(M) To place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind on any premises in the city without the consent of the owner or tenant in possession thereof.

(N) To own, maintain or keep a dwelling unit unfit for human habitation or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof or detrimental to the public good.

(O) To store or place any materials in a manner which may harbor rats.

(P) To maintain or permit the existence of any dangerous or unsanitary building or structure.

(Q) Any other uses or conditions of property which, due to their existence, create an environment which could be prejudicial or detrimental to the public health or welfare.

(R) To park a semi-tractor and/or semi-trailer and/or to allow a semi-tractor and/or semi-trailer to remain on premises in R-1 through R-4 inclusive (as said zoning has been defined as set forth within City of LaSalle Ordinance No. 590 as amended) for any purpose other than delivery and/or pick up of personal property at the residence.

(S) The allowance of the commission (which shall be determined by either plea of guilty or

conviction) of 4 or more city ordinance violations on the premises in a 1 year period and/or the occurrence of 4 or more police service calls to the premises in a 1 month time period and/or the occurrence of 6 or more police service calls to the same premises within a 3-month time period, all of which shall be considered unreasonably high and to constitute a nuisance in reference to the premises.

(T) The open storage of junk, refuse, scrap, disabled or damaged vehicles, whether awaiting repair or not, is prohibited in the city. For the purpose of interpretation, open storage shall be any storage not contained completely within a building or structure enclosed on all sides by walls and by a solid roof on the top.

(Ord. 1187, passed 9-19-1988; Am. Ord. 1771, passed 6-24-2002; Am. Ord. 2080, passed 5-21-2007; Am. Ord. 2213, passed 4-6-2010) Penalty, see § 91.99

§ 91.02 DUTY TO MAINTAIN PROPERTY.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing, substantial diminution in the value of the other property in the neighborhood in which the premises are located or which shall be harmful to anyone or the public at large, nor shall any person allow the keeping of any animals which shall cause unreasonable disturbance to others.

(Ord. 1187, passed 9-19-1988) Penalty, see § 91.99

§ 91.03 ABATEMENT OF NUISANCE BY OWNER.

The owner, owners, tenants, lessees, and/or occupants of any lot within the corporate limits of the city or within the extra-territorial jurisdiction of the city upon which such storage is made, and also the owner, owners, and/or lessees of said personalities involved in such storage (all of whom are hereinafter referred to collectively as owners) shall jointly and severally abate said nuisance by the

prompt removal of said personalty and to completely enclose buildings authorized to be used for such storage or such other manner necessary to abate such nuisance.

(Ord. 1187, passed 9-19-1988)

§ 91.04 FAILURE OF OWNER TO ABATE.

If said owners shall allow said nuisance to exist or fail to abate the nuisance, they, and each of them, upon conviction thereof, shall be fined as set forth in § 91.99. In addition to the fine the owners shall be ordered to abate the nuisance within a designated time, after which the building inspector may proceed to abate the nuisance according to the provisions of § 91.05.

(Ord. 1187, passed 9-19-1988)

§ 91.05 SUMMARY ABATEMENT BY CITY.

(A) Whenever, in the opinion of the Building Inspector of the city, the maintenance or a continuance of a nuisance creates an imminent threat of serious injury to persons or serious damage to persons or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating nuisance, and/or the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, the Building Inspector shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, agent or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot regularly be found, the Building Inspector may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond initial summary abatement and any other additional emergency abatement, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible.

(B) When any personalty has been removed and placed in storage by the city, as provided for herein, said personalty shall be sold by the city after the last of 30 days. If the proceeds of such sale are insufficient to pay the cost of abatement, the owner shall be liable to the city for the balance of the cost, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of the cost, the balance shall be paid to said owners or deposited in the city treasury for their use.

(C) The Building Inspector or his or her duly authorized representative shall compile the cost of such work done and improvements made in abating such nuisance and shall charge the same against the owner of the premises. It is hereby provided that general overhead of administrative expenses of inspection, locating the owner, issuing a notice, reinspection and ordering such work, together with all necessary incidents of same, shall require a charge of \$100 for each lot, series of 2 or more adjacent and contiguous lots, or tracts or parcels of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Notwithstanding thereof, any tabulation of recorded cost, a minimum charge of \$200 shall be assessed against each lot so improved upon the terms of this section, but such sum of \$200 is hereby expressly stated to be a minimum charge only, and shall have no obligation when the tabulated cost of the work shall exceed such minimum charge.

(Ord. 1187, passed 9-19-1988)

§ 91.06 COSTS OF ABATEMENT CONSTITUTE LIEN ON PROPERTY.

The Building Inspector shall compile such cost of the work and after charging the same against the owner of the premises, the Building Inspector shall certify a statement of such expense and shall file the same with the County Recorder which shall create a lien upon the property. For any such expenditures and interest, suit may be instituted by the City Attorney and recovery and foreclosure had in the name of the city; and the statements so made, as aforesaid, or a certified copy thereof, shall be prima

facie evidence of the amount expended in any such work or improvements.

(Ord. 1187, passed 9-19-1988)

WEEDS

§ 91.20 DEFINITION; DECLARATION OF NUISANCE.

(A) For the purpose of this subchapter **WEEDS** are defined as follows: jimson, burdock, ragweed, thistle, cocklebur, wild lettuce, smartweed, dog fennel, wild carrot, wild parsnip, hogweed, dandelions, or other weeds or grass of any description in excess of 6 inches high found existing on any lot and/or tract of land in the city.

(B) Weeds, as defined in division (A) above of this section, are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds including, but not being limited to, grass in excess of 6 inches to exist in any such place.

(Ord. 1735, passed 5-29-2001) Penalty, see § 91.99

§ 91.21 COMPLIANCE WITH REGULATIONS REQUIRED.

It shall be the duty of each and every owner and occupier of land, jointly and severally, to comply with the terms and provisions of this subchapter as to each and every lot or tract of land in which any person and/or entity has an ownership and/or lease hold interest.

(Ord. 1735, passed 5-29-2001)

§ 91.22 NOTICE TO ABATE.

(A) The Chief of Police, or any other officer or other city agent appointed by the Chief of Police, or the Building Inspector, or any other city agent appointed by the Building Inspector, is authorized to serve or cause to be served a notice upon any owner and/or occupier of any premises on which weeds as

defined herein are permitted to exist in violation of the provisions of this subchapter and to demand the abatement of the nuisance within 3 days. Notice to an occupant shall be deemed sufficient if delivered to an adult resident occupying the premises that are in violation of this subchapter; notice to an occupant shall also be deemed sufficient as to any occupants if sent by certified mail to the person or entity to whom the water bill and/or garbage bill for the property is then being sent; notice shall also be deemed sufficient to an occupant if the premises are posted with the notice in the form of a red tag on the front door of the premises. Notice to each and every owner shall be deemed sufficient if personally served on or sent by certified mail to the person or entity to whom was sent the tax bill for the general taxes on the property for the preceding year; notice to each and every owner shall also be deemed sufficient if the notice is posted on the front door of the premises in the form of a red tag providing the notice.

(B) Additionally, if the property is in compliance within 3 days of the original notice of alleged violation, the city may, (but is not required), if so requested, issue a certificate of remediation to the party or parties involved in the alleged violation. However, it is specifically provided herein that neither remediation nor the issuance of a certificate of remediation is a defense per se to an alleged violation of this subchapter. Remediation may be considered by the city as a factor in the penalty sought for violation of this subchapter.

(Ord. 1735, passed 5-29-2001; Am. Ord. 2235, passed 6-28-2010)

§ 91.23 ABATEMENT BY CITY.

In addition to other remedies provided herein, if the person so served does not abate the nuisance within 3 days, the city may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expenses shall be charged to and paid by any owner and/or occupant in violation of this subchapter.

(Ord. 1735, passed 5-29-2001)

§ 91.24 LIEN; NOTICE AND RELEASE.

(A) In addition to the other remedies provided herein, and otherwise by law, charges for such weed removal shall be a lien on the premises. Whenever a bill for such charges and/or fine remain unpaid for 30 days after it has been rendered, the City Clerk may file with the Recorder of Deeds of LaSalle County, a statement of lien claim. The statement of lien claim shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the costs and expense incurred or payable for the service of remediation and also including the costs and expense of recording the lien, all of which shall be included within the lien; and

(3) The date or dates when such costs and expense was incurred by the municipality.

(B) Notice of such lien claim shall be personally served on or sent by certified mail to the person to whom was sent a tax bill for the general taxes on the property for the last preceding year. The notice of lien shall be delivered or sent after the cutting of weeds on the property. The notice shall state the substance of that which is set forth above herein, and shall contain a copy of this subchapter, and shall further identify the property by common description and the location of the weeds cut.

(C) Upon the payment of the costs and expense after notice of lien has been filed, any lien so filed shall be released by the city, and the release may be filed of record as in the case of filing the notice of lien. All of the recording costs in connection with recording of the lien and in connection with the recording of the release shall be borne by the releasee.

(Ord. 1735, passed 5-29-2001; Am. Ord. 2235, passed 6-28-2010)

§ 91.25 FORECLOSURE OF LIEN.

The property subject to a lien for unpaid weed cutting charges or fine, may be foreclosed in the name of the city as in the case to the foreclosure of statutory liens or as is otherwise allowable by law with the foreclosure proceeding to allow collection, among other things allowable by law, in addition to the reasonable costs of the foreclosure proceeding, including attorneys fees, title expenses and other reasonable and customary costs in foreclosure proceedings.
(Ord. 1735, passed 5-29-2001)

§ 91.26 REMEDIES CUMULATIVE.

Each remedy herein and otherwise allowable by law in reference to any violation coming potentially within the parameters of this subchapter is intended to be cumulative and independent 1 to each of the other. The city may pursue 1 and/or more of the available remedies in the set of circumstances as the city in its discretion deems appropriate. These remedies are not to the exclusion of 1 to another.
(Ord. 1735, passed 5-29-2001)

NOISE POLLUTION

§ 91.40 SCOPE.

This subchapter applies to the control of all sound originating within the jurisdictional limits of the city.
(Ord. 2254, passed 12-13-2010)

§ 91.41 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A BAND LEVEL. The total sound level of all noise as measured with a sound level meter using the "A" weighing network. The unit is the dbA.

BAND PRESSURE LEVEL OF A SOUND FOR A SPECIFIED FREQUENCY BAND. The sound pressure level for the sound contained within the restricted band.

COMMERCIAL DISTRICT.

(1) (a) An area where offices, clinics and the facilities needed to serve them are located.

(b) An area with local shopping and service establishments.

(c) A tourist-oriented area where hotels, motels and gasoline stations are located.

(d) A business strip along a main street containing offices, retail businesses and commercial enterprises.

(e) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

(2) **COMMERCIAL DISTRICT** means and includes, but is not limited to, any parcel of land zoned commercial under the zoning ordinance of the city.

CONTINUOUS NOISE. A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of 10 minutes or more, with an accumulation of an hour or more over a period of 8 hours.

CYCLE. The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (DB). A unit of level which denotes the ratio between 2 quantities which are proportional to power; the number of **DECIBELS** corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

DEVICE. Any mechanism which is intended to produce or which actually produces sound when operated or handled.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

FLUCTUATING NOISE. The sound pressure level of a fluctuating noise which varies more than 6 dbA during the period of observation when measured with the slow meter characteristic of a sound level meter.

FREQUENCY OF A FUNCTION PERIODIC IN TIME. The reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

INDUSTRIAL DISTRICT. An area in which enterprises and activities which involve the manufacturing, processing or fabricating of any commodity are located. **INDUSTRIAL DISTRICT** shall include, but not be limited to, any parcel of land zoned as an industrial district under the zoning ordinance of the city.

LIGHT MOTOR VEHICLE. Any automobile, motorcycle, motordriven cycle, motor scooter, light truck with gross vehicular weight of less than 8,000 pounds or any van.

MICROBAR. A unit of pressure commonly used in acoustics and is equal to 1 dyne per square centimeter.

MODIFIED EXHAUST SYSTEM. An exhaust system in which:

(1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise; or

(2) The original noise abatement devices have been either removed or replaced by noise

abatement devices which are not as effective in reducing noise as the original devices; or

(3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

MOTOR VEHICLE. Any vehicle such as, but not limited to, a passenger vehicle, truck, trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

NOISE SENSITIVE AREA. Includes, but is not limited to, the land on which a school, hospital, nursing home, church, court, public library, or similar institution is located and the are within 250 feet of a school, hospital, nursing home, church, court, public library, or similar institution.

NUISANCE. The making, creating or causing to be made or continued of any boisterous or unreasonably loud noises which causes, constitutes or tends to provoke a disturbance and which is detrimental to the public health, safety, welfare or peace.

PERIOD OF A PERIODIC QUANTITY. The smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY. Oscillating quantity, the values of which recur for equal increments of time.

PERSON. Any individual, firm, association, partnership, joint venture, or corporation.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public that is owned or controlled by a government entity.

PUBLIC SPACE. Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

RESIDENTIAL AREA. Any real property which contains a structure or building in which 1 or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city's zoning ordinance.

RESIDENTIAL DISTRICT. An area of single- or multiple-family dwellings, including areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. **RESIDENTIAL DISTRICT** shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

SOUND-AMPLIFYING EQUIPMENT. Any machine or device for the amplification of the human voice, music, or any other sound. **SOUND-AMPLIFYING EQUIPMENT** shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. **SOUND-AMPLIFYING EQUIPMENT**, as used in this subchapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010)

§ 91.42 GENERAL PROHIBITIONS.

(A) No person shall make, continue, or cause to be made or continued, the following:

(1) Any unreasonably loud or raucous noise;

(2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City of LaSalle; or

(3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which the noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(B) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

(1) The proximity of the sound to sleeping facilities, whether residential or commercial;

(2) The land use, nature and zoning of the area from which the sound emanates, and the area where it is received or perceived;

(3) The time of day or night the sound occurs;

(4) The duration of the sound; and

(5) Whether the sound is recurrent, intermittent or constant.

(C) The provisions of this subchapter shall be applicable to any property owner and/or tenant, possessing real property and personal property, who allows and/or fails to restrict the prohibited or regulated noises from emitting from his or her property.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.43 NOISES PROHIBITED.

The following acts are declared to be *per se* violations of this subchapter. This list does not constitute an exclusive list.

(A) *Unreasonable noises.* The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably permitting

to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of residences or which will not detrimentally affect the operators of other places of business are exempted from this provision.

(B) *Non-emergency signaling devices.* Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than 10 consecutive seconds in any hourly period. The reasonable sounding of such devices by houses or religious worship, seasonal contribution solicitors, or by the city for traffic control purposes are exemption from the operation of this provision.

(C) *Emergency signaling devices.*

(1) The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in division (C)(2) below. Local, state and federal governments are exempt from this prohibition.

(2) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed 5 minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(D) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices.* The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in

a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passers-by, or is plainly audible at a distance of 75 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. This division (D) shall not apply to violations of ILCS Ch. 625, Act 5, § 12-611.

(E) *Loudspeakers, amplifiers, public address systems, and similar devices.* The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound, except as may be permitted by the City Clerk or City Council, between the hours of 10:00 p.m. and 7:00 a.m. of the following day on weekdays, and 10:00 p.m. and 8:00 a.m. on the following days on weekends and holidays (holidays shall consist of Christmas Day, Thanksgiving Day, New Year's Eve, New Year's Day, Memorial Day, and Independence Day) in the following areas:

(1) Within or adjacent to residential or noise-sensitive areas;

(2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous. This shall not apply to any public performance, gathering, or parade or which a permit has been obtained from the local government. (1963 Code, § 6-2-29)

(F) *Yelling, shouting and similar activities.* Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00

a.m. of the following day, or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

(G) *Animals and birds.* Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animals shelters, veterinary hospitals, pet shops, or pet kennels (licensed under, and in compliance with, licensing and permitting provisions set forth in this code and which use reasonable measures to minimize such sounds emanating from their property) are exempt from this division (G).

(H) *Loading or unloading merchandise, materials, equipment.* The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 6:00 a.m. the following day.

(I) *Construction or repair of buildings; excavation of streets and highways.* The construction, demolition, alteration or repair of any buildings or the excavation of streets and highways other than between the hours of 6:00 a.m. and 9:00 p.m., on weekdays and 8:00 a.m. and 6:00 p.m. on weekends. Local, state and federal governments are exempt from this prohibition. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the following shall apply:

(1) The director of property standards may, at his or her discretion, issue written permission, upon application, if he or she determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings between the hours of 6:00 p.m. and 9:00 a.m. of the following day, will not be impaired, and if he or she further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in non-emergency cases for a period of not more than

3 days. The permit may be renewed once for a period of 3 days or less.

(2) The Director of Public Works may, at his or her discretion, issue written permission, upon application, if he or she determines that the public health and safety, as affected by loud and raucous noise caused by construction or excavation of roadways and sidewalks between the hours of 6:00 p.m. and 9:00 a.m. of the following day, will not be impaired, and if he or she further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in nonemergency cases for a period of not more than 3 days. The permit may be renewed once for a period of 3 days or less.

(J) *Noise sensitive areas: schools, courts, churches, hospitals, and similar institutions.* The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area which it is in use, which unreasonably interferes with the workings of the institution or which unreasonably disturbs the persons in these institutions.

(K) *Blowers and similar devices.* In residential or noise-sensitive areas, between the hours of 9:00 p.m. and 6:00 a.m. of the following day, the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases, fuels, or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. This division (K) shall not apply to snow blowers and other snow removal machinery nor to landscaping operations conducted on golf courses.

(L) *Commercial establishments.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which part of or under the control of the establishment, between the hours of 10:00 p.m. and 6:00 a.m. of the following day which is plainly audible at a distance of 50 feet from any residential property.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.44 MAXIMUM SOUND PRESSURE LEVELS FOR CONTINUOUS SOUNDS.

(A) *Established measurement.* Notwithstanding anything else contained herein, or within any other ordinance of the City of LaSalle, the maximum permissible sound pressure levels not otherwise prohibited by any other ordinance of the City of LaSalle of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute *prima facie* evidence that such sound is an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least 4 feet above the immediate surroundings surface, on a sound level meter of standard design and operated on the “A” weighting network.

TABLE A		
	Sound pressure level limit dbA	
District	Day (7:00 a.m. - 10:00 p.m.)	Night (10:00 p.m. - 7:00 a.m.)
Residential	65	55
Commercial	70	65
Industrial	80	80

(B) *Measurement in more than 1 district.* When a noise source can be identified and its noise measured in more than 1 district, the sound pressure level limits of the most restrictive district shall apply.

(C) Sound emitting from any single unit property shall not be plainly audible at any point beyond the lot line of that property.

(D) Sound emitting from inside any dwelling unit of a multi-unit structure shall not be plainly audible beyond the walls of that dwelling unit.

(E) Sound emitting from elsewhere within, or outdoors upon the property of a multi-unit structure shall not be plainly audible inside any dwelling unit of that structure, nor at any point beyond the lot lines of that property.

(F) Sound emitting from any other location shall not be plainly audible at any point more than 30 feet in any direction from the sound source.

(G) Sound limits in decibels (dbA) during times other than quiet hours.

(1) Sound emitting from any single-unit property shall not exceed 65 dbA at any 1 point beyond the lot line of that property.

(2) Sound emitting from inside any dwelling unit of a multi-unit structure shall not exceed 55 dbA beyond the walls of that dwelling unit.

(3) Sound emitting from elsewhere within or outdoors upon the property of a multi-unit structure shall not exceed 55 dbA inside any dwelling unit of that structure, nor 65 dbA beyond the lot lines of the structure's property.

(4) Sound emitting from any other location shall not exceed 65 dbA at any 1 point more than 30 feet in any direction from the sound source.

(H) For the purpose of this subchapter, the term “residential district” shall consist of the same areas as the areas determined and designated on the City of LaSalle zoning map as R-1 and R-2, Single-Family Dwelling District, R-3, Two-Family Dwelling District, and R-4, Multiple-Dwelling District; “commercial district” shall consist of the same area as the areas determined and designated on the City of LaSalle zoning map as (R-1, C-2 and C-3 Commercial) and “industrial district” shall consist of the same areas as the areas determined and designated on the City of LaSalle zoning map as M-1 Light Industrial District and M-2 Heavy Industrial District.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.45 NOISE AMPLIFIED SOUND.

(A) *Sound limits during quiet hours.* During the quiet hours, no person shall cause or permit the sound of persons talking, yelling, shouting, hooting, whistling or singing or the sound of any television, radio, stereo set, musical instrument, phonograph, amplifier, loudspeaker or other similar device for the production or amplification of sound to exceed the limits defined in this subchapter.

(B) *Sound limits at times other than quiet hours.* No person shall cause or permit sounds of the types defined in division (A) above to exceed the limits defined in § 91.44(G) if such sounds disturbs the comfort or repose of reasonable persons of normal sensibilities within the area of audibility. (Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.46 POWER LANDSCAPE EQUIPMENT.

(A) It is unlawful to operate or use any power landscape equipment in a manner that is plainly audible beyond the boundaries of the premises upon which such equipment is operated or used; provided, however, the use or operation of power lawn equipment shall be lawful:

(1) Between 7:30 a.m. and 8:00 p.m. on Mondays through Fridays, inclusive, and between 9:00 a.m. and 7:00 p.m. on Saturdays, Sundays and nationally recognized holidays;

(2) On golf courses at any time; and

(3) On park district owned or maintained property at any time.

(B) For the purposes of this section, ***POWER LANDSCAPE EQUIPMENT*** means all landscape equipment powered by any source other than manual power that is used for landscaping or lawn maintenance activities including, without limitation, mowers, tractors, trimmers, vacuums, blowers, tillers or hedge clippers.

(C) The provisions of this subchapter shall not apply to the operation or use of power landscape equipment.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.47 EXEMPTIONS.

Sounds caused by the following are exempt from the prohibitions set out in § 91.43 and are in addition to the exemptions specifically set forth in any other section of this subchapter:

(A) Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition, pose a clear and immediate danger to life, health, or significant loss of property.

(B) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.

(C) Repairs or excavations of bridges, streets, or highways by or on behalf of the City of LaSalle, the State of Illinois, or the federal government, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, when public welfare and convenience renders it impractical to perform the work between 6:00 a.m. and 10:00 p.m.

(D) Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school/university grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school/university athletic and school/university entertainment events.

(E) Other outdoor events. Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

(F) Any event that is sponsored by and directly controlled by the city or its designee.

(G) Outdoor church activities that cannot be heard from a distance of more than 100 feet beyond the church property boundaries between 10:00 p.m. and 6:00 a.m. the following day, except that a church may sound chapel bells periodically so long as each the ringing does not continue for an unreasonable amount of time.

(H) Motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes for any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.

(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010)

INDUSTRIAL HYGIENE

§ 91.60 VENTILATION REQUIRED.

No employer may permit any employee to work in any factory wherein material is used producing lint, dust or other particles which fly in the air unless same are prevented as much as practicable by suction fans, currents of air or other means. No employer may permit any employee to work in any factory or industry where chemical gases or fumes are created, or where air is rendered impure without ventilating same so as to remove impurities as much as practicable.

(1963 Code, § 7-7-2) (Ord. passed 4-21-1914)
Penalty, see § 91.99

§ 91.61 CROWDING OF EMPLOYEES.

No employer may cause any employee to work in any room where so many persons are employed as to use up fresh air within, without providing means whereby sufficient fresh air will be either let in or forced in. No employer may cause any employee to work in any factory at a place so far removed from a window or other light giving aperture and so far from artificial light as to be injurious to eyesight.

When sunlight is not adequate for work to be done, the employer shall furnish adequate artificial light. No employer may knowingly permit any person afflicted with tuberculosis or any other infectious or contagious disease to work in the same room with a person not affected with such disease. A written notice signed by the Health Officer or the Assistant Health Officer, certifying that any such person has any such disease shall constitute knowledge of the fact.

(1963 Code, § 7-7-3) (Ord. passed 4-21-1914)

Penalty, see § 91.99

§ 91.62 IMPROVEMENTS MAY BE REQUIRED.

The Health Officer is authorized and empowered to order changes and improvements in the structure, windows, ventilation, equipment, location of machinery, lights and air purifying devices of any factory or working place within the city to meet the requirements of this subchapter, but before the Health Officer shall order any such change or new equipment he or she shall confer with the employer, and if such employer shall voluntarily begin such change or installation of equipment within 10 days thereafter, the Health Officer shall not order same to be done. If however the employer refuses to comply with the request, or fails to begin improvement within 10 days after consenting to do so, the Health Officer shall order same to be done in a written order signed by him or her and left with the employer. The order shall be complied with within 60 days thereafter.

(1963 Code, § 7-7-4) (Ord. passed 4-21-1914)

§ 91.63 VIOLATIONS OF STATE LAW; REPORT.

The Health Officer and his assistant shall report all violations of state law that may come into their attention to proper authorities.

(1963 Code, § 7-7-5) (Ord. passed 4-21-1914)

§ 91.98 ENFORCEMENT.

(A) The Chief of Police, or his or her designees, will have primary responsibility for the enforcement of the noise regulations contained in §§ 91.40 through 91.47. Nothing in that subchapter shall prevent the Police Chief, or his or her designees, from obtaining voluntary compliance by way of warning, notice, or education.

(B) If a person's conduct would otherwise violate this chapter and consists of any of the following:

(1) Speech or communication protected by the Constitution of the United States or the State of Illinois;

(2) Of a gathering with others to hear or observe speech or communication protected by the Constitution of the United States or the State of Illinois; or

(3) Of a gathering with others to lawfully picket or otherwise express, in a nonviolent manner, a position on a social, economic, political, or religious question;

then the person must be ordered to, and have the opportunity to move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.

(Ord. 2254, passed 12-13-2010)

§ 91.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Whoever violates any provision of §§ 91.01 through 91.06 shall be fined not less than \$50 nor more than \$500 for each offense and a separate offense shall be deemed committed on each

day during or on which such nuisance is permitted to exist.

(Ord. 1187, passed 9-19-1988)

(C) In addition to the other remedies provided herein, and otherwise by law, any person, firm or corporation violating any provision of §§ 91.20 through 91.26 shall be fined not less than \$100 and no more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) (1) A violation of the provisions of §§ 91.40 through 91.47 is punishable by a ticket or citation carrying a fine of no less than \$60 nor more than \$750 dollars. However, this division (D) shall not be construed as requiring the City of LaSalle Police Department to cite a person for violation of §§ 91.40 through 91.47, if in its discretion, the Department determines that it is in the best interest of the community to utilize other lawful means to gain compliance.

(2) A subsequent violation of §§ 91.40 through 91.47 by the same person, which occurred within 30 days of receiving a previous ticket, is punishable by a ticket carrying a fine of no less than \$300.

(3) Each occurrence of a violation of §§ 91.40 through 91.47, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(Ord. 1735, passed 5-29-2001; Am. Ord. 1970, passed 7-5-2006; Am. Ord. 2254, passed 12-13-2010)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

92.01 Fire limits of the city

Open Burning

92.15 Definitions

92.16 Prohibitions

92.17 Exemptions

92.18 Permits

92.19 Explosive wastes

92.99 Penalty

Cross-reference:

Fire Department, see §§ 33.25 through 33.33

International Fire Code, see § 150.01

GENERAL PROVISIONS

§ 92.01 FIRE LIMITS OF THE CITY.

(A) Follow corporate limits.

(B) The Fire Department shall afford the same fire protection to buildings within the limits hereinafter described as is afforded to similar buildings within the city limits and the Fire Department is hereby authorized and instructed to answer all fire alarms to any fire within the limits as herein extended, the same as though such alarm was made for protection against fire from any locality within the city.

(1963 Code, § 4-2-2) (Ord. 412, passed 12-21-42)

OPEN BURNING

§ 92.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL WASTES. Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and landscape wastes.

DOMICILE WASTE. Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term includes landscape waste, but excludes garbage and trade waste.

GARBAGE. Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

LANDSCAPE WASTE. Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

OPEN BURNING. The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued.

REFUSE. Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal, or disposal.

RESTRICTED AREAS. The area within the boundaries of any municipality as defined in the Illinois Municipal Code, plus a zone extending 1 mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest federal census.

TRADE WASTE. Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.
(1963 Code, § 4-5-1) (Ord. 811, passed 12-20-1971)

§ 92.16 PROHIBITIONS.

(A) No person shall cause or allow burning, except as provided in §§ 92.17, 92.18, and 92.19.

(B) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.
(1963 Code, § 4-5-2) (Ord. 811, passed 12-20-1971)
Penalty, see § 92.99

§ 92.17 EXEMPTIONS.

The following activities are not in violation of this subchapter unless they cause air pollution as defined in the Environmental Protection Act of the State of Illinois, being ILCS Ch. 415, Act 5:

(A) The open burning of agricultural waste, but only:

- (1) On the premises on which such waste is generated;
- (2) In areas other than restricted areas;

(3) When atmospheric conditions will readily dissipate contaminants;

(4) If such burning does not create a visibility hazard on roadways, railroad tracks, or air fields;

(5) More than 1000 feet from residential or other populated areas; and

(6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.

(B) The open burning of domicile waste, but only:

(1) On the premises on which such waste is generated;

(2) In areas other than restricted areas;

(3) When atmospheric conditions will readily dissipate contaminants; and

(4) If such burning does not create a visibility hazard on roadways, railroad tracks, or air fields.

(C) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

(D) The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

(E) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips of comparable devices to reduce pollution.

(F) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

(G) Leaves may be burned on city streets or public ways, and upon private property, provided that no leaves shall be burned on bituminous surfaces or black top streets or alleys; and provided further, that when leaves are burned on city streets and alleyways, as above provided, the ashes shall be picked up, and placed in containers for removal. It shall be unlawful to burn leaves in the city before 10:00 a.m. or after 4:00 p.m. on any day. Additionally, it shall be unlawful to burn leaves on any day at any time after rain and/or snow commences on a given day, and it shall additionally be unlawful to burn any such leaves within 48 hours subsequent to the ceasing of any rain and/or snow. This division (G) shall not alter, or affect, prohibitions against open burning of trees, paper, grass clippings, vegetable matter or garbage. (1963 Code, § 4-5-3) (Ord. 811, passed 12-20-1971; Am. Ord. 830, passed 9-24-1973; Am. Ord. 1483, passed 10-24-1994) Penalty, see § 92.99

§ 92.18 PERMITS.

Open burning shall be exempt from the provisions of this subchapter if the person who performs or permits such open burning shall exhibit to a responsible governmental official a permit for such open burning issued by the State Environmental Protection Agency in any of the following instances:

(A) For instruction in methods of firefighting; or for testing of equipment for extinguishing fires, of flares and signals, or of experimental incinerators, or for research in control of fires;

(B) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;

(C) For research or management in prairie or forest ecology;

(D) For the destruction of landscape wastes, provided that such burning shall not occur:

(1) In restricted areas, unless burning is conducted with the aid of an air-curtain destructor or comparable device to reduce emissions substantially;

(2) Within 1000 feet of any residential or other populated area; or

(3) After July 1, 1972, except with the aid of an air-curtain destructor or comparable device to reduce contaminant emissions substantially.

(E) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the city and with the State Environmental Protection Agency within 10 days thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary. (1963 Code, § 4-5-4) (Ord. 811, passed 12-20-1971)

§ 92.19 EXPLOSIVE WASTES.

Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions of this subchapter, shall be permitted only upon the exhibition of a grant of a variance issued by the Environmental Protection Agency to the person proposing to conduct such open burning.

(1963 Code, § 4-5-5) (Ord. 811, passed 12-20-1971) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) (1) Violation of any provision of §§ 92.15 through 92.19, except as provided in division (2) below, shall subject the violator to a fine of not less than \$25 nor more than \$500 for each such violation.

Each day a violation is permitted to continue shall constitute a separate and distinct violation of those sections.

(Ord. 811, passed 12-20-1971)

(2) Any violation of § 92.17(G) shall be punishable by a fine not less than \$50 nor more than \$500.

(Ord. 1483, passed 10-24-1994)

CHAPTER 93: STREETS AND SIDEWALKS

Section

General Provisions

- 93.001 Deposit of injurious material unlawful
- 93.002 Discharge of grass clippings or other vegetation
- 93.003 Water flowing upon streets
- 93.004 Window sills to be kept clear
- 93.005 Use of skateboards prohibited
- 93.006 Playing ball on streets prohibited
- 93.007 Picketing
- 93.008 Expectorating on sidewalk unlawful
- 93.009 City responsibility regarding damage to mailboxes

Encroachment on Right-of-Way

- 93.020 Definitions
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Sidewalk Construction

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- 93.105 Compliance with regulations, permission required
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- 93.120 Corner lots; obstruction to view
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- 93.126 Litter prohibited
 93.127 Encroachments; sidewalk vaults

 93.999 Penalty

GENERAL PROVISIONS

§ 93.001 DEPOSIT OF INJURIOUS MATERIAL UNLAWFUL.

It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.

(1963 Code, § 6-2-26) Penalty, see § 93.999

§ 93.002 DISCHARGE OF GRASS CLIPPINGS OR OTHER VEGETATION.

(A) No person shall discharge or permit the discharge of grass clippings, or clippings from other vegetation upon any public street, alley, or other city property in the city. Any clippings which may be so discharged shall be immediately removed by the persons causing or permitting such discharge.

(B) Since any clippings left unremoved for more than 1 day, in any city street, alley, or other city property might cause clogging of the city sewer system, such clippings shall be deemed to be abandoned; the city is hereby empowered to pick up such abandoned clippings, and the costs shall be paid by the owner of the property. Such costs shall be based upon a charge of \$10 for each 15 minutes of time spent at any location within the city for the pick up of such abandoned clippings.

(Ord. 1469, passed 8-1-1994)

§ 93.003 WATER FLOWING UPON STREETS.

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.
 (1963 Code, § 6-2-50) Penalty, see § 93.999

§ 93.004 WINDOW SILLS TO BE KEPT CLEAR.

It shall be unlawful for any person to place or keep on any window sill, porch, or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens.

(1963 Code, § 6-2-52) Penalty, see § 93.999

§ 93.005 USE OF SKATEBOARDS PROHIBITED.

The use of skateboards on streets, alleys, and sidewalks, in commercially (C-1 through C-4) zoned portions of the city, is hereby prohibited. It shall be unlawful for any person to henceforth ride and/or move in any manner whatsoever on a skateboard within commercially (C-1 through C-4) zoned portions of the city.

(Ord. 1285, passed 4-29-1991) Penalty, see § 93.999

§ 93.006 PLAYING BALL ON STREETS PROHIBITED.

It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the municipality.

(1963 Code, § 6-2-36) Penalty, see § 93.999

§ 93.007 PICKETING.

It shall be unlawful for any person, not an employee, past, present or expectant, of the owner or proprietor of the business attempted to be picketed and who has no personal dispute with the owner or proprietor concerning terms and conditions of employment to stand, sit or walk on any street or sidewalk in the city with the intent and purpose of dissuading or discouraging any person from patronizing the place of business.

(1963 Code, § 6-2-37) Penalty, see § 93.999

§ 93.008 EXPECTORATING ON SIDEWALK UNLAWFUL.

It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies. (1963 Code, § 6-2-20) Penalty, see § 93.999

§ 93.009 CITY RESPONSIBILITY REGARDING DAMAGE TO MAILBOXES.

In the event of municipal snowplowing and/or other activity by the city or a city representative along the streets of the city which results in direct contact damaging a mailbox, the city declares that it should have very little, if any, liability regarding damage to mailboxes constructed with masonry columns, railroad rails and ties, tractor wheels, plow blades, milk cans and barrels filled with concrete or sand, which types of mailboxes are discouraged, and that in any event, the city's liability and responsibility regarding such mailboxes or damage to any other types of mailbox or supporting structure to a mailbox shall not exceed the sum of \$100 per mailbox, per event, causing such damage. The Building Inspector shall be authorized to make inspections of any alleged claim of damage to mailboxes and shall further be authorized to recommend to the Mayor, and the Mayor shall be authorized to act upon the recommendation of the Building Inspector to make reparations regarding damages to any mailbox caused by the city not to exceed \$100 per mailbox, per event, causing such damage.

(Ord. 2054, passed 2-26-2007)

ENCROACHMENT ON RIGHT-OF-WAY**§ 93.020 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION EASEMENT AREA. Area lying between the project right-of-way limits and the platted street limits within which the city, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.

ENCROACHMENT. Any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs) which is placed, located, or maintained in, on, under, or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

PERMISSIBLE ENCROACHMENT. Any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

PROJECT RIGHT-OF-WAY. Those areas within the project right-of-way lines established jointly by the city, state, and the Federal Highway Administration which will be free of encroachments except as hereinafter defined.

ROADWAY RIGHT-OF-WAY. Those areas existing or acquired by dedication or by fee simple for highway purposes; also for the areas acquired by temporary easement during the time the easement is in effect.

(Ord. 889, passed 9- -1976; Ord. 1066, passed 4-23-1984; Ord. 1172, passed 5-31-1988; Ord. 1325, passed 5-11-1992; Ord. 1431, passed 8-16-1993)

§ 93.021 ENCROACHMENT UNLAWFUL.

(A) It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or

cause to be retained, any encroachment within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

(Ord. 889, passed 9- -1976; Ord. 1066, passed 4-23-1984; Ord. 1172, passed 5-31-1988; Ord. 1325, passed 5-11-1992; Ord. 1431, passed 8-16-1993)

(B) Improvement projects are established in the following locations:

(1) FA Route 623 Section (30,31,34) RS from Union Street east of the corporate limits.

(Ord. 889, passed 9 - 1976)

(2) Airport Road/Chartres Street, FAU Route 6104, from LaSalle Road southerly 7,336 feet, and on Eleventh Street from Airport Road/Chartres Street to Bucklin Street.

(Ord. 1066, passed 4-23-1984)

(3) Illinois Route 351/FAU 6108 (Joliet Street) and U.S. Route 6 FAP (5th Street).

(Ord. 1172, passed 5-31-1988)

(4) U.S. Route 6 (FAP 623, FAU 6088, FAU 5605 and FAS 265) beginning at 4th Street, extending southerly and westerly to the Spring Creek Bridge.

(Ord.1325, passed 5-11-1992)

(5) Illinois Route 351, also known as Joliet Street/St. Vincent Avenue, beginning at Sixth Street and extending northerly to Civic Road.

(Ord. 1431, passed 8-16-1993)

Penalty, see § 93.999

CURB CUTS AND DRIVEWAYS

§ 93.035 PERMISSION REQUIRED.

Any person, firm, or corporation desiring to break curb within the corporate limits of the city for the purpose of construction of a driveway or for any other purpose whatever, shall be and are hereby

required to obtain advance permission to do so by filing an application for such permission on forms provided by the city with the City Council for consideration at a regular meeting thereof.

(1963 Code, § 8-11-1) (Ord. 802, passed 2-15-1971)
Penalty, see § 93.999

§ 93.036 INFORMATION TO BE PROVIDED.

Each such person requesting such permission to break curb or construct a driveway shall, upon forms provided by the city, provide the city the following information:

The name, address, title, if any, of the person making the request; the name of the firm or corporation represented by the person making the request; if any; the name of the person, firm, or corporation which will perform the work; the site at which the proposed breaking of the curb or driveway construction is to be performed, the width of the proposed break in the curb, and the length and width of the driveway to be constructed if any. Such applicant shall submit with the application engineering drawings prepared by a licensed civil engineer showing in typical cross section the design of the replacement curb, driveway, and sidewalk, if any, proposed to be constructed.

(1963 Code, § 8-11-2) (Ord. 802, passed 2-15-1971)

§ 93.037 AGREEMENT IN WRITING.

An applicant may agree in writing to perform work in accordance with the reasonable written directions of the Superintendent of Public Works of the city, and such agreement shall, when properly executed upon forms supplied by the city, relieve the applicant from the necessity of supplying the engineering drawings required by § 93.036 hereof.

(1963 Code, § 8-11-3) (Ord. 802, passed 2-15-1971)

§ 93.038 CONSTRUCTION REQUIREMENTS.

General requirements for the construction of curbs and driveways within the city:

(A) The applicant shall construct such curbs and driveways so as to meet grades established for the applicant by office of the Superintendent of Public Works of the city.

(B) All curbs and driveways constructed within the city shall be constructed out of concrete, which concrete shall be mixed to a minimum standard, presently known in the trade as a 6 sack mix and which concrete shall yield, after 7 days of curing, a minimum compressive strength of 3500 pounds per square inch.

(C) Openings in curbs, which are proposed to be in excess of 35 feet measured parallel to the center line of the street shall require approval by special resolution of the City Council. No such approval shall be granted unless the applicant shall agree in advance to construct at said location a mountable type curb and present plans for the construction of the same to the office of the Superintendent of Public Works for the Superintendent's prior approval.

(1963 Code, § 8-11-4) (Ord. 802, passed 2-15-1971)

§ 93.039 VIOLATIONS.

(A) The failure to file an application as provided for herein prior to the breaking of the curb shall constitute a violation of this subchapter. Any person, firm, or corporation so violating this subchapter shall, upon conviction thereof, be fined an amount as specified in § 93.999.

(B) The breaking of curb or construction of a driveway without first obtaining the permission of the City Council for the same as herein provided shall constitute a violation of this subchapter. Any person, firm or corporation who so violates this subchapter shall upon conviction be fined an amount as specified in § 93.999.

(C) The failure to follow the reasonable written instructions of the Superintendent of Public Works given in conformity with the provisions of this subchapter after execution of the agreement provided for in § 93.037 hereof shall constitute a violation of this subchapter. Any person so violating this subchapter shall be entitled to written notice specifying the manner in which the instructions have been disregarded and the means to be used to correct the same, signed by the Superintendent of Public Works of the city, and served upon the individual signing the application either by personal delivery of such notice or by delivery through the United States Mail certified, return receipt requested to the location specified in the application executed by such person. Upon receipt of such notice, such person shall thereupon have 14 days within which to correct the matters specified therein. Failure to correct the violations of the instructions specified in such notice shall, upon conviction thereof, subject the person, firm, or corporation notified to a fine as specified in § 93.999. Each day that a violation is permitted to exist after the expiration of the 14-day grace period or any extension thereof, provided for herein shall constitute a separate offense. The Superintendent of Public Works may upon application issue written extensions of the grace period herein provided for. (1963 Code, § 8-11-5) (Ord. 802, passed 2-15-1971) Penalty, see § 93.999

SIDEWALK CONSTRUCTION**§ 93.050 COST OF CONSTRUCTION.**

All sidewalks constructed within the city along or upon any street or alley, unless otherwise especially ordained, shall be constructed and the cost thereof paid by special taxation of lots or parcels of land in front of and touching upon the line on which the sidewalk shall be constructed, the cost thereof to be paid as hereinafter provided.

(1963 Code, § 8-1-1) (Ord. passed 7-16-1912)

§ 93.051 SPECIAL ORDINANCE REQUIRED.

Before any sidewalk shall be constructed by order of the Council, there shall first be a special ordinance passed by the Council, which shall specify the locality thereof and the width thereof.

(1963 Code, § 8-1-2) (Ord. passed 7-16-1912)

§ 93.052 SIDEWALK SPECIFICATIONS.

All sidewalks which shall hereafter be constructed unless otherwise specially ordained, shall be constructed of concrete of the best material according to the specifications hereinafter provided. The specifications for such sidewalks shall be as follows:

(A) *Subgrade.* The ground shall be excavated or filled to a depth of 12½ inches below the surface of the finished walk and the surface of the subgrade shall be thoroughly and evenly tamped.

(B) *Fill.* Whenever filling is required it will be made of any suitable material excavated from the work or with gravel. All fills shall be made in uniform layers not exceeding 6 inches in depth and each layer shall be thoroughly tamped to insure a solid bed.

(C) *Removal of soft material.* All soft and spongy material that cannot be made solid shall be removed and the places filled with gravel.

(D) *Foundation.* Upon the subgrade as herein described, will be laid a foundation course 7½ inches thick, after tamping, of good clean cinders or gravel which shall be flooded and thoroughly tamped so as to procure a compact solid foundation.

(E) *Concrete.* Upon this bed or foundation of cinders or gravel thus formed, shall be placed a course of concrete 4 inches in thickness when tamped, which concrete shall be composed of 1 part by bulk of best Portland cement, 2 parts by bulk of clean sharp sand and 4 parts by bulk of crushed stone or good clean gravel crushed to such size that the fragments thereof shall pass through a 2-inch ring.

(F) *Wearing surface.* Upon the concrete base there shall be spread a finish coat or wearing surface 1 inch in thickness composed of 1 part by bulk of best Portland cement, and 1½ parts by bulk of clean, sharp sand, finished to a smooth surface. This finish coat shall be spread on the concrete as soon as the same is tamped and before it has begun to set and in such manner as shall bind firmly to the concrete base. It must be quickly and evenly spread and shall then be floated and troweled to a smooth surface conforming to the grade line.

(G) *Mixing.* The concrete shall be mixed by machinery or by hand. If mixed by machinery the mixing shall be done in a batch mixer subject to the approval of the Board of Local Improvements. If by hand, the sand and cement shall be first mixed dry in proper proportions until the mixing shows a uniform color, and to the mixture thus prepared shall be added the proper proportion of broken stone or gravel which has been previously drenched with water and the whole shall be mixed until every piece of the rock or gravel is coated with mortar. Sufficient water shall be used in mixing the concrete so that the water will readily flush to the surface with very light tamping.

(H) *Consistency of concrete.* The concrete thus mixed shall have a consistency that when rammed the mass shall not shake like jelly, but will when struck remain compact and firm under the area of the tamper without being displaced laterally.

(I) *Mixing and laying.* The whole operation of mixing and laying each batch of concrete shall be done in an expeditious and workmanlike manner, and the concrete shall be thoroughly tamped immediately after it is placed in the form.

(J) *Retempering.* No retempering of concrete will be permitted and concrete in which the mortar has begun to set will be rejected.

(K) *Joints.* The walk shall be laid off in blocks of the same length as the width of the walks so as to make blocks practically square. The joints shall be cut clear through the concrete and shall be 1/4 inch in width. Into each joint in the concrete shall be poured clean dry sand, its entire length. The joints in the finish coat shall be 1/8 inch in width and shall coincide with those of the concrete.

(L) *Surface.* The finished surface of the walk shall have a general inclination toward the gutter of 1 inch to every 4 feet, and the surface of the walk when completed shall conform to the established grade, and the side lines of the walk shall conform to the established sidewalk lines of the street upon or along which the walk is being constructed.

(M) *Requirements of materials; cement.* Some standard brand of Portland cement shall be used which has been in practical use on public works for not less than 5 years and shall have been proved satisfactory therein. No brand of cement shall be used which the Board of Local Improvements shall deem unfit for the work, nor shall any cement be used which does not give satisfactory results according to the standard methods of testing as provided by the American Society for Testing Materials. The contractor shall provide sufficient means to protect the cement against dampness, and no cement shall be used which has become caked from exposure to dampness.

(N) *Sand for concrete and finish.* The sand for concrete shall be clean, sharp sand and free from clay or other mineral or organic matter and thoroughly screened. The sand for cement test and for finish coat of the walk shall be clean, sharp sand of such fineness as will pass a sieve of 10 meshes per lineal inch, and none of it sieve at 50 meshes per lineal inch.

(O) *Stone and gravel.* The stone and gravel shall range in size from 1/4 inch to 1-7/8 inches in the greatest dimensions, and shall be thoroughly drenched with water immediately before being used in the concrete. The gravel shall be free from loam, vegetable matter or other foreign substance.

(P) *General stipulations.* The contractor will be held responsible for any damage done to water, gas, sewer, or drain pipes and appurtenances.

(Q) *Stakes to be preserved.* The contractor is required to preserve all stakes set for lines, levels or measurements of the work in their proper places until authorized to remove them by the Board of Local Improvements. All expense in replacing any stakes that the contractor or his or her subordinates may have failed to preserve will be charged to the contractor.

(R) *Approval of materials.* All materials used in any part of the sidewalk and all work shall be subject to the approval of the Board of Local Improvements. Any material that may be considered defective shall be removed immediately from the vicinity of the work and any work considered defective shall be at once rebuilt. In case the contractor shall refuse to remove any condemned work within 24 hours after notice, then the city may cause all such condemned material to be removed or condemned work to be replaced at the expense of the contractor.

(S) *Skilled workers.* Properly skilled workers only shall be employed on the work and the contractor shall discharge any employees who may, in the opinion of the Board of Local Improvements, be considered guilty of misconduct or neglect in his or her duties, or may perform the work in an improper manner.

(T) *Protecting work.* All work while in progress must be protected against injury from sun, rain, or other causes and the finished walk shall not be used until it has set sufficiently to receive travel.

(U) *Obstructing gutters.* The contractor shall not obstruct the gutter of any street contiguous to the work nor prevent in any manner the flow of the water in the same.

(V) *Removal of surplus material.* When the work is completed, the contractor shall immediately remove all debris and surplus material and shall leave the sidewalk, gutter and roadway free and unobstructed.

(W) *Instruction to foremen.* Whenever the contractor is not present on the work, directions or orders given by the Board of Local Improvements to any superintendent or overseer who may have charge of any particular work shall be received and obeyed the same as if given to the contractor.

(X) *Contractor defined.* Whenever the word **CONTRACTOR** is used, it is held to mean either any contractor or firm of contractors or any member of a firm contracting for work, or any corporation undertaking a contract.

(Y) *Decisions of Board of Local Improvements final.* In the interpretation of the decision of the Board of Local Improvements concerning the execution of the work, the decision of the Board shall be final and conclusive.

(1963 Code, § 8-1-3) (Ord. passed 7-16-1912)

§ 93.053 MATERIAL; APPROVAL REQUIRED.

The material to be used in the construction of the walk and the laying down and the construction thereof, shall be to the approval and under the supervision of the Board of Local Improvements.

(1963 Code, § 8-1-4) (Ord. passed 7-16-1912)

§ 93.054 SUBGRADE; PAYMENT BY CITY.

The excavating and filling for all sidewalks and preparing the subgrade therefor and the furnishing and placing of the cinders immediately thereon shall be done, furnished and paid for by the city.

(1963 Code, § 8-1-5) (Ord. passed 7-16-1912)

§ 93.055 NOTICE TO PROPERTY OWNERS.

It shall be the duty of the Clerk to mail notice of the passage of a special ordinance, mentioned in § 93.051, within 10 days after the passage of such special ordinance addressed to the person who paid the last general taxes on the lots or parcels of land touching upon the line of the sidewalk ordered constructed by the special ordinance. The Clerk shall also notify the Board of Local Improvements immediately after the mailing of the notices giving the date of mailing, the names of the persons to whom notices were mailed with a description of the lots or parcels of land in front of which the sidewalk is proposed to be constructed.

(1963 Code, § 8-1-6) (Ord. passed 7-16-1912)

§ 93.056 SURVEY REQUIRED.

The Board of Local Improvements shall, within 10 days after the mailing of the notices of the passage of the special ordinance, as herein provided, cause to be surveyed the line of the sidewalk constructed by such special ordinance, and to have the grade thereof truly and accurately ascertained and staked out.

(1963 Code, § 8-1-7) (Ord. passed 7-16-1912)

§ 93.057 LOCAL IMPROVEMENT DECLARED.

The construction of the sidewalk is hereby declared to be a local improvement, and the cost thereof, excepting that part of the cost of the sidewalks to be paid by the city, as specified in § 93.054, to be levied and paid for by special taxation of the lots or parcels of land touching upon the line of the sidewalk and abutting thereon in proportion to their frontage upon the line of the sidewalk.

(1963 Code, § 8-1-8) (Ord. passed 7-16-1912)

§ 93.058 PROPERTY OWNERS TO CONSTRUCT SIDEWALKS.

All owners of lots and parcels of land touching upon the line of the proposed sidewalk as provided for by the special ordinance mentioned in § 93.051 shall

construct and lay down or cause to be constructed and laid down in front of their respective lots or parcels of land, the sidewalk specified in the special ordinance according to the specification herein contained, within 30 days after the mailing of the notices of the passage of the special ordinance by the Clerk as provided by § 93.055.

(1963 Code, § 8-1-9) (Ord. passed 7-16-1912)

§ 93.059 NOTICE OF CONSTRUCTION TO CITY.

Any owner of a lot or parcel of land touching upon the line of the proposed sidewalk, who shall construct and lay down the sidewalk as provided for in § 93.058 shall give 5-days' written notice to the Board of Local Improvements of their intention to construct and lay down the walk and requesting the Board to cause the work to be done and the material to be furnished which shall be paid for by the city, as provided for in § 93.055.

(1963 Code, § 8-1-10) (Ord. passed 7-16-1912)

§ 93.060 REFUSAL OF OWNER TO CONSTRUCT.

In case the sidewalk is not laid down and constructed by the owner of the lot or parcel of land touching the line of the proposed sidewalk as provided for by §§ 93.058 and 93.059, then the city shall enter into a contract for the furnishing of the materials and the construction of the sidewalk that is not laid down by the owner as provided by law, and the cost thereof shall be levied and collected as provided by law and the city shall issue noninterest bearing vouchers in payment for the sidewalk constructed under contract as provided in this section, payable solely out of the special tax levied to pay for the sidewalks when the same is collected.

(1963 Code, § 8-1-11) (Ord. passed 7-16-1912)

§ 93.061 ASSESSMENT OF COST AGAINST PROPERTY.

(A) In case of the default of any owner of any lot or parcel of land touching upon the line of the proposed sidewalk to lay down and construct the sidewalk ordered constructed and laid down by special ordinance, and the same shall be laid down and constructed by the city, the total cost thereof, except that part to be paid for by the city as provided for by § 93.054, including the cost of the material and the cost of laying down and constructing the sidewalk, shall be taxed and charged against the lot or parcel of land in front of which the walk is laid down and constructed in the manner specified by this subchapter and as provided by law.

(B) In case of the default of any owner of any lots or parcels of land touching upon the line of the proposed sidewalk ordered constructed and laid down by the special ordinance, to construct and lay down the sidewalk in accordance with the provisions of the special ordinance, and also of this subchapter, and the same shall be constructed and laid by the city as provided for in § 93.060, and a bill of costs of such sidewalk showing the cost of the construction and supervision thereof shall be made by the Board of Local Improvements, together with a list of the lots or parcels of land touching upon the lines of the proposed sidewalk with the name of the parties who paid the last general taxes on the respective lots or parcels of land and the frontage of the lots or parcels of land on the sidewalk.

(1963 Code, § 8-1-12) (Ord. passed 7-16-1912)

§ 93.062 SPECIAL TAX LIST; COLLECTION.

When the owner of any lot or parcel of land touching upon the line of any sidewalk ordered constructed and laid down by the special ordinance has failed, neglected, or refused to construct same in accordance with the provisions of the special ordinance and the sidewalk has been constructed and laid down by the city, the Board of Local Improvements shall proceed to prepare a special tax list against the lots or parcels of land in front or

touching upon which the sidewalk has not been constructed and laid by the owners thereof, ascertaining by computation the amount of special taxes to charge against each of the lots or parcels of land on account of the construction to frontage which the special tax shall be filed in the office of the Board of Local Improvements, which Board has its office in the rooms occupied by the Engineer, and the Board shall thereupon issue warrants directed to the Treasurer who is hereby made a special collector to collect such special taxes, for the collection of the amount of special taxes so ascertained and appearing from the special tax list to be due from respective lots or parcels of land touching upon the line of the sidewalk or ordered constructed and laid down by special ordinance, and the Treasurer shall proceed to collect the warrants by giving notice in writing and by mailing same to the address of the party who paid the last general taxes on the respective lots or parcels of land shown in the list, and that the tax list is in the hand of the Treasurer for collection.

(1963 Code, § 8-1-13) (Ord. passed 7-16-1912)

§ 93.063 DELINQUENT TAX PAYMENTS.

Upon failure to collect the special tax as hereinbefore provided, it shall be the duty of the Treasurer on or before the first day of April in each year to make a report of all such special taxes in writing to the County Treasurer, of all the lots or parcels of land upon which the special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to the Treasurer, the amount due and unpaid upon each lot or parcel of land, together with a copy of this chapter, and also such special ordinance ordering the construction and laying down of the sidewalk, which report shall be accompanied by the oath of the Treasurer that the list is a correct return of the lots or parcels of land on which the special ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected nor any part thereof. The reports when made shall be prima facie evidence that all forms and

requirements of the law in relation to making such return have been complied with and that the special tax as mentioned in the report is due and unpaid.
(1963 Code, § 8-1-14) (Ord. passed 7-16-1912)

§ 93.064 PROCEDURE; AUTHORITY.

All proceedings for the building, laying down and construction of the sidewalks ordered constructed and laid down by special ordinance, and all proceedings for the assessing, levying, and collecting of the special tax herein provided for, and all proceedings or things connected with the sidewalk shall be governed by ILCS Ch. 65, Act 5, Art. 9.
(1963 Code, § 8-1-15) (Ord. passed 7-16-1912)

STREET GRADES

§ 93.075 SIDEWALKS TO CONFORM.

No person shall construct any sidewalk where no grade has been established by the Council, without having first obtained a grade therefor from the Engineer, or contrary to any grade given by the Engineer; nor shall he or she construct any sidewalk contrary to any grade which may have been or may hereafter be established.
(1963 Code, § 8-2-1)

§ 93.076 RAILROAD TRACKS TO CONFORM.

It shall be the duty of all railroad companies whose tracks now or may hereafter enter or pass through the city, or whose tracks are located upon any street, to raise or lower their respective tracks to conform to any grade which is or may be established by the Council, upon or through which the track may run, and where tracks run lengthwise of any street, to keep the same not to exceed 1 inch above the surface of the street, and so that the tracks may be conveniently crossed at any place on the street.
(1963 Code, § 8-2-2)

§ 93.077 BRIDGES AND CULVERTS TO CONFORM.

All bridges, culverts, and street crossings shall be constructed so as to conform as nearly as possible to the established grade of the street upon which the bridges, culverts, or crossings shall be located.
(1963 Code, § 8-2-3)

§ 93.078 DATUM PLANE ESTABLISHED.

The datum plane of all grade elevations in the city is hereby declared to be on the same level as the top of a certain anchor iron now imbedded in the coping stone on the north side of the lower lock of the Illinois and Michigan Canal, known as lock number 15, said anchor iron being the north 1 of 2 anchor irons imbedded in the coping immediately east of the west gate of the lock; and the datum plane shall be known as 0 for all elevations.
(1963 Code, § 8-2-4)

§ 93.079 GRADES ESTABLISHED.

The grade elevations shall be fixed with reference to the datum plane hereinbefore established, and are hereby adopted by reference and made a part of this chapter as if set out at length herein, copies thereof to be kept on file in the office of the Engineer.
(1963 Code, § 8-2-5)

HOUSE NUMBERING

§ 93.090 NUMBERING REQUIRED.

All lots and parts of lots lying within the corporate limits of the city are hereby ordered numbered by the owners or occupants thereof, in the manner hereinafter set forth.
(1963 Code, § 8-3-1)

§ 93.091 DESIGNATION OF NUMBERS.

(A) On all streets north of Canal Street, including said street, and south of Eleventh Street, including said street, which run east and west, from the western limits of the city to and including the western side of Union Street, the numbering of the lots and parts of lots abutting on said streets shall commence with the lowest whole number from the western limits of the city, and run easterly, giving a number to each 10 feet to the end of each block; and each block thereafter shall be numbered consecutively, and shall commence with the next 100 number.

(B) On all streets north of Canal Street and south of Eleventh Street, which lie between the western limits of the city and Union Street, and which run north and south within the limits, the numbering of the lots and parts of lots abutting thereon shall commence at Canal Street, with the lowest whole number, and run north, and each 10 feet thereafter shall receive a number, except as herein otherwise specified; and each consecutive block thereafter shall commence with the next 100 number.

(C) On all streets which lie within the western limits of the city on the west, and Union Street on the east, Canal Street on the south, and Eleventh Street on the north, which run east and west, and which do not commence with, or terminate at Chartres Street, the numbering of all lots and parts of lots abutting thereon shall be the same as the numbering of the lots and parts of lots on the street next south thereof, which extend from the western limits of the city to Union Street. On all streets north of Ninth Street and south of Eleventh Street, within the limits designated in division (B) of this section, which run north and south, the numbering of the lots abutting thereon shall commence with number 900 on the east side, and number 901 on the west side, and each consecutive 10 feet northward shall be given number, up to the northern side of Tenth Street, or where the northern side of Tenth Street would be if the street were fully laid out. From the northern side of Tenth Street the numbers shall commence to run with 1000 on the east side and 1001 on the west side, allowing 10 feet for each number to Eleventh Street.

(D) On all streets south of Canal Street, which run north and south, the numbering of the lots and parts of lots abutting thereon shall commence with the lowest whole number from Canal Street and run south giving a number to each 10 feet as aforesaid; and the numbers so south of Canal Street as aforesaid, shall be designated and known as number (whatever it may be) south, to distinguish the number or numbers from the corresponding numbers on streets north of Canal Street.

(E) On all streets south of Canal Street, which run east and west, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the lots and parts of lots and blocks which lie immediately north thereof.

(F) On all streets east of the section line between sections 14 and 15 in the city on the west, and the little Vermillion River on the east, and south of the section line between sections 11 and 14, which run east and west, the numbering of the lots and parts of lots and blocks abutting thereon shall commence from the eastern side of Union Street with number 1400 on the south side of each of the said streets, and number 1401 on the north side of each of the said streets, and run eastward, allowing 10 feet for each number to the end of the block, and each successive block east shall commence with the next 100 number, and so on to the end of the street.

(G) On all streets within the limits designated in division (F) of this section, which run north and south, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the numbering of the lots and parts of lots and blocks abutting upon Union Street.

(H) On all streets north of Eleventh Street and south of O'Connor Avenue which run north and south, the numbering of the lots and parts of lots abutting thereon shall be as follows: 10 feet shall be allowed for each number, commencing with 1100 on the east, and 1101 on the west side of said streets; and such numbering shall continue northwards a distance of 400 feet, at which point the numbering shall commence with the next 100 number, and so on northward to O'Connor Avenue.

(I) On all streets north of O'Connor Avenue which run north and south the numbering of the lots and parts of lots abutting thereon shall be as follows: 10 feet shall be allowed for each number commencing with 1800 on the east and 1801 on the west side of said streets; and such numbering shall continue northwards a distance of 400 feet, at which point the numbering shall commence with the next 100 Number, and so on to the northern limits of the city.

(J) On all streets north of Eleventh Street, which run east and west within the city, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the numbering of the lots and blocks on Eleventh Street directly south.
(Ord. 209-1/2, passed 6-13-1927)

(K) All lots and parts of lots or buildings thereon, that lie or abut upon the south side or east side of any or all of the streets aforesaid shall be numbered with even numbers, and those that lie or abut upon the north side or west side of said streets shall be numbered with odd numbers.
(1963 Code, § 8-3-2)

§ 93.092 NUMBERS TO BE LEGIBLE.

The owner or occupant of any lot, or parts of lots or buildings within the corporate limits, as aforesaid, are, hereby directed and required to without delay number all houses on such lots in accordance with the provisions of this chapter in a plain and substantial manner.
(1963 Code, § 8-3-3)

EXCAVATIONS

§ 93.105 COMPLIANCE WITH REGULATIONS, PERMISSION REQUIRED.

(A) It shall be unlawful for any person to dig or construct any drains, connections for private sewers or other ditches or trenches of like nature, on any of the streets or alleys within the city without first having complied with the terms of this chapter.
(1963 Code, § 8-4-1)

(B) Any person who shall make any excavation in the streets or other public grounds without the express permission of the Council or Department of Public Works shall be deemed guilty of a misdemeanor. Any officer of the city who shall use, sell or dispose of any earth, gravel or sod from the excavation of any street or other public grounds for the officer's own private benefit shall also be deemed guilty of a misdemeanor.
(1963 Code, § 8-4-4) Penalty, see § 93.999

§ 93.106 BOND REQUIRED.

Before commencing work upon any private drains, sewers, trenches, or ditches in the streets or alleys of the city, the person desiring to make the excavation shall first file with the Clerk a bond theretofore approved by the Mayor, in the penal sum not less than \$1000, which bond, among other things, shall be conditioned for the prompt filling up and restoration of any break or opening made in any part of the streets or alleys, in as good condition as before; and for the repair of the same from time to time, until the surface thereof shall conform to the proper grade of streets and alleys. It shall be further conditioned to save and keep the city harmless for all loss, damage or injury to persons or property which may occur by reason of the digging, construction or maintenance of

drains, sewers, trenches, or ditches, which bond shall be given whether the drains, sewers, trenches or ditches may be constructed by a licensed sewer builder or otherwise.

(1963 Code, § 8-4-2)

§ 93.107 EXCAVATION MUST BE PROTECTED.

Any contractor for any public work, or any officer or other person, making any excavation in any street or alley, who shall leave the same open and unprotected by lights or otherwise in the nighttime, so as to endanger the safety of persons or animals passing thereby from falling therein, shall be deemed guilty of a misdemeanor.

(1963 Code, § 8-4-3) Penalty, see § 93.999

SIDEWALK OBSTRUCTIONS

§ 93.120 CORNER LOTS; OBSTRUCTION TO VIEW.

It shall be unlawful to construct or maintain or permit to remain any fence or other structure, or any bushes or other plants on a corner lot within the distance of 25 feet from the curb in each direction, which obstructs the view, at a height of more than 2 feet 6 inches above the level of the adjacent street pavement.

(1963 Code, § 8-5-1) Penalty, see § 93.999

§ 93.121 OBSTRUCTIONS ALONG SIDEWALK LINE.

(A) It shall be unlawful for any person to construct any fence or other structure, or any bushes, shrubs or other plants closer than 2 feet to the existing sidewalk line.

(B) Existing bushes, shrubs, or other plants shall be trimmed to 30 inches on the sidewalk line, so that pedestrians will be able to travel freely, without injury to their clothes or their person.

(1963 Code, § 8-5-2) Penalty, see § 93.999

§ 93.122 OBSTRUCTIONS ALONG ALLEYS.

In all alleys, bushes, shrubs, plants, or hedges shall be kept trimmed so as not to interfere with traffic, or strike or scratch any vehicle using the alley.

(1963 Code, § 8-5-3) Penalty, see § 93.999

§ 93.123 OBSTRUCTIONS AT INTERSECTIONS.

(A) It shall be unlawful to construct or maintain any fence or other structure or any bushes at alley and street intersections within the city which obstruct the view at a height of more than 2 feet 6 inches.

(B) Notice of any violation of this section shall be given by the Police Department, or any officials of the city before bringing suit.

(1963 Code, § 8-5-4) (Ord. 627, passed 11-8-1961) Penalty, see § 93.999

§ 93.124 MERCHANDISE ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to place, set or display over or upon any sidewalk in the city, any goods, wares, or merchandise for the purposes of advertising, sale or other purpose whatsoever, except during the moving or removal of such goods, wares or merchandise in or out of buildings or other premises in the ordinary process of shipment or delivery thereof.

(1963 Code, § 8-5-5) (Ord. 336, passed 11-19-1934) Penalty, see § 93.999

§ 93.125 BUILDING MATERIAL ON SIDEWALKS OR STREETS.

No contractor, builder, or other person shall encumber any street or sidewalk in the city with building or other like materials without a written permit from the Mayor therefor; nor shall that person, in any case, encumber or obstruct more than 1/3 of any street or alley or 1/2 of any sidewalk; nor shall such obstruction continue longer than may be necessary in the diligent erection of a building or the prompt execution of the work.

(1963 Code, § 8-5-6) Penalty, see § 93.999

§ 93.126 LITTER PROHIBITED.

It shall be unlawful for any person to throw or leave any obstruction or encumbrance upon any street or alley, except as authorized by law. It shall be unlawful for any person to throw, place, or leave any ashes, dirt, filth or rubbish in or upon any street, alley, or sidewalk in front of or adjoining any building or premises owned or occupied by that person.

(1963 Code, § 8-5-7) Penalty, see § 93.999

§ 93.127 ENCROACHMENTS; SIDEWALK VAULTS.

No steps, platform, or other fixture shall extend into or upon any sidewalk or alley in the city more than 3 feet; and all stairs or steps encroaching upon any sidewalk or alley and leading to the upper story of any building shall be securely fastened to the wall of the building and supported without posts or pillars. No open cellar or basement way shall be permitted to extend into any sidewalk more than 3 feet, and in all cases shall be well protected with a substantial iron railing around the same, with a gate at the entrance; nor shall any closed cellar or basement way extend into or upon any sidewalk more than 5 feet, nor into any alley more than 4 feet; nor shall the hinges, lock or other fastenings thereof be placed on the upper side of the same so as to project above the door, unless within 2½ feet of the building. All cellar windows or

coal holes in any sidewalk or alley shall be set or placed even with the grade of the sidewalk or alley and be well secured with iron or other suitable gratings. No person shall leave open any cellar door or grating of any vault in any sidewalk in front of the premises occupied by that person.

(1963 Code, § 8-5-8) Penalty, see § 93.999

§ 93.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person, firm or corporation, violating any provisions of § 93.002 shall be fined not less than \$50, nor more than \$200, for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1469, passed 8-1-1994)

(C) Any person found guilty and/or pleading guilty to any violation of § 93.005 shall be fined in a sum of not less than \$25 and in a fine not exceeding \$500 for each violation of § 93.005.

(Ord. 1285, passed 4-29-1991)

(D) (1) Any person, firm or corporation who violates § 93.035 shall upon conviction be fined not less than \$10 nor more than \$100 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(2) Failure to correct the violations of the instructions specified in the notice specified in § 93.039(C) shall, upon conviction thereof, subject the person, firm or corporation notified to a fine of not less than \$5 nor more than \$50 for each offense. Each day that a violation is permitted to exist after the expiration of the 14-day grace period or any extension thereof, provided for herein shall constitute a separate offense.

(Ord. 802, passed 2-15-1971)

CHAPTER 94: HAZARDOUS MATERIALS

Section

- 94.01 Findings
- 94.02 Definitions
- 94.03 Control of hazardous substances or hazardous materials
- 94.04 Hazardous materials or hazardous substance incident expense recovery

(F) Subject to the provisions herein contained, the reimbursement for such expenses by the direct recipients of the benefit is appropriate given the disproportionate relationship in the amount of such costs and the general benefit to the city and providing for the reimbursement of such extraordinary expenses is in the best interest of the general welfare, health and safety of the residents and of the city.
(Ord. 1515, passed 3-27-1995)

§ 94.01 FINDINGS.

The City Council finds that:

(A) Supplies and equipment used during hazardous material responses are a continuously increasing expense for the city;

(B) Supplies needed for hazardous material responses are often specifically fabricated materials that absorb spilled products without deterioration and are, therefore, very costly;

(C) Much of the equipment used at such responses must be replaced after only a few episodes, depending upon the amount of exposure and the material encountered;

(D) Overtime personnel are often called back to assist in neutralizing the situation or are deployed on reserve apparatus during such responses;

(E) Recipients of aid or emergency relief and services should be assessed for those extraordinary costs incurred and payable to third parties for services rendered by such third parties and/or for replenishing supplies and equipment in the performance of the aid or emergency services expended;

§ 94.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMBUSTIBLE. Any substance with a flash point greater than 100°F.

CORROSIVE. Any substance which, in contact with living tissue, causes destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.

FLAMMABLE. Any substance which has a flash point of less than 100°F.

HAZARDOUS MATERIAL INCIDENT. An incident which threatens public health or safety involving the actual or potential release of a hazardous substance or hazardous material.

HAZARDOUS SUBSTANCE or HAZARDOUS MATERIAL. Any substance or material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable,

combustible, or which generates pressure through decomposition, heat or other means and which may cause injury, or illness to humans, domestic livestock, or wildlife as defined by the Illinois Environmental Protection Act or any federal law.

IRRITANT. Any substance, not corrosive, which, on immediate, prolonged or repeated contact with normal living tissue, will induce local inflammatory reaction.

PERSON. Any individual, partnership, corporation, trust, firm, company, legal entity.

RADIOACTIVE. Any substance which emits ionizing radiation.

STRONG SENSITIZER. Any substance which will cause, on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident on re-application of the same substance.

TOXIC. Any substance (other than a radioactive substance) which has the capacity to produce bodily injury or illness to humans through ingestion, inhalation, or absorption through any body surface. (Ord. 1515, passed 3-27-1995)

§ 94.03 CONTROL OF HAZARDOUS SUBSTANCES OR HAZARDOUS MATERIALS.

(A) It shall be unlawful for any person to use, store, deliver or transport hazardous substances or hazardous materials, or cause the use, storage, delivery or transporting of hazardous substances or hazardous materials, in any manner inconsistent with the requirements of the fire prevention ordinances of the city or any other applicable ordinance, state law, or federal law.

(B) It shall be unlawful for any motor vehicle carrying, transporting, or containing a hazardous substance or hazardous material to park or stand, other than temporarily for the purpose of, and while actually engaging in, loading, or unloading, on private property, without the knowledge and express consent of the person who is in charge of the property and

who is aware of the nature of the hazardous substance or hazardous material the motor vehicle contains.

(C) It shall be unlawful for any motor vehicle carrying, transporting or containing a hazardous substance or hazardous material to fail to comply with all applicable provisions of this section.

(D) It shall be unlawful for any person using, storing, manufacturing, producing, disposing, treating, transporting or causing the use, storage, manufacture, production, disposal, treatment or transportation of any hazardous substance or hazardous material in any manner which results in a hazardous materials incident.

(Ord. 1515, passed 3-27-1995)

§ 94.04 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENT EXPENSE RECOVERY.

(A) Any person causing or permitting a hazardous material incident shall be responsible for all of the following:

(1) Reimbursement in full, of any and all costs incurred by the city in connection with the operation, maintenance and staffing required to respond to such hazardous materials incident at the rate of \$100 per hour per vehicle (or any fraction of an hour) and the hourly rate of pay, including administrative costs, for each employee who participates in such response to a hazardous materials incident.

(2) Reimbursement in full for any and all costs incurred by the city for equipment and materials used, damaged, lost, spent, destroyed or rendered irreparable in connection with a hazardous materials incident.

(3) Assumption of, and all liability and costs for, any cleanup or removal resulting from a hazardous material incident, including but not limited to any independent cleanup contractor necessitated by such hazardous material incident.

(B) The city shall prepare and forward to the

person or persons causing or permitting a hazardous material incident a bill for the total costs and expenses incurred for which such person or persons are responsible pursuant to this section; provided, however, any cost in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of the total bill shall be made within 30 days of receipt. Any bill or portion of a bill remaining unpaid after 30 days of receipt shall accrue interest on the unpaid balance at the rate of 1.5% per month, or fraction of month.

(Ord. 1515, passed 3-27-1995)

CHAPTER 95: FAIR HOUSING

Section

- 95.01 Declaration of policy
- 95.02 Definitions
- 95.03 Prohibited acts

- 95.99 Penalty

terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities. (Ord. 1290, passed 4-29-1991)

§ 95.01 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the city may be ensured, it is hereby declared the policy of the City of LaSalle, Illinois, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the City of LaSalle that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property with the city, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap in the conditions,

§ 95.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS. Housing which is in sound, clean, and weathertight condition in conformance with applicable local, state, and national codes.

DISCRIMINATE or DISCRIMINATION. Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for, housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person.

FINANCIAL INSTITUTION. Any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION. Includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of 1 or more human beings, or any real estate so used, designed or intended for such use.

OWNER. Any person/persons who hold legal or equitable title to, or owns any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

REAL ESTATE BROKER. Any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers sells, purchases, exchanges or rents, or negotiates, for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of a housing accommodation and/or real property of another.

REAL PROPERTY. Any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the city.
(Ord. 1290, passed 4-29-1991)

§ 95.03 PROHIBITED ACTS.

(A) It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

(B) In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the city:

(1) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the city or in furnishing of any facilities or services in connection therewith;

(2) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap of any person.

(3) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(4) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the ground of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap;

(5) To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the neighborhood;

(6) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located;

(7) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, physical or mental handicap;

(8) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of the proposed buyer or tenant.
(Ord. 1290, passed 4-29-1991)

§ 95.99 PENALTY.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than \$10 nor more than \$500. Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the city to specifically enforce, by any legal means, any of the provisions of this chapter.
(Ord. 1290, passed 4-29-1991)

CHAPTER 96: TREES AND SHRUBBERY

Section

General Provisions

- 96.01 Permit required for planting of trees
- 96.02 Planting location restrictions
- 96.03 Injury to trees or shrubbery
- 96.04 Advertisements or notices attached to trees
- 96.05 Dangerous trees
- 96.06 Wires in contact with trees
- 96.07 Gas pipes causing injury to trees
- 96.08 Excavation; injury to tree roots
- 96.09 Shrubby height and trimming restrictions
- 96.10 Shrubby in alleys to be trimmed

Trimming and Removal of Trees

- 96.20 License required
- 96.21 Application
- 96.22 Fee
- 96.23 Public liability insurance required
- 96.24 Compliance with safety regulations required
- 96.99 Penalty

GENERAL PROVISIONS

§ 96.01 PERMIT REQUIRED FOR PLANTING OF TREES.

It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefor.

Applications for such permits shall be made to the Clerk and shall be referred by him or her to the Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the Council.

(1963 Code, § 8-6-1) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.02 PLANTING LOCATION RESTRICTIONS.

It shall be unlawful for any person to plant or cause to be planted in any parkway within the city, any tree or shrub less than 3 feet from the outer line of the sidewalk. No tree shall be planted in parkways or streets at a distance less than 6 feet from any crosswalk or intersecting street or alley.

(1963 Code, § 8-6-2) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.03 INJURY TO TREES OR SHRUBBERY.

It shall be unlawful to injure any tree or shrub planted in any public place.

(1963 Code, § 8-6-3) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.04 ADVERTISEMENTS OR NOTICES ATTACHED TO TREES.

It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub in any street, parkway or other public place.

(1963 Code, § 8-6-4) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.05 DANGEROUS TREES.

(A) Any tree or shrub which overhangs any sidewalk, street or other public place at a less height than 8 feet or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which the tree or shrub grows, so that the obstruction shall cease.

(B) Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which the tree grows or stands.

(C) The Street Commissioner may trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be eliminated.
(1963 Code, § 8-6-5) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.06 WIRES IN CONTACT WITH TREES.

(A) It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway, or other public place without the permission of the Council.

(B) Any person given the right to maintain poles and wires in the streets, alleys, or other public places in the city shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Commissioner so that no injury shall be done either to the poles or wires or the shrubs and trees by their contact.
(1963 Code, § 8-6-6) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.07 GAS PIPES CAUSING INJURY TO TREES.

Any person maintaining any gas pipe in the city shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

(1963 Code, § 8-6-7) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.08 EXCAVATION; INJURY TO TREE ROOTS.

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

(1963 Code, § 8-6-8) (Ord. 612, passed 8-15-1960)
Penalty, see § 96.99

§ 96.09 SHRUBBERY HEIGHT AND TRIMMING RESTRICTIONS.

(A) It shall be unlawful to maintain or permit to remain any bush or shrub on a corner lot within the distance of 15 feet from the curb in each direction at a height of more than 30 inches above the level of the adjacent street pavement.

(B) It shall be unlawful for any person or persons to maintain or permit to remain any bushes, shrubs, or hedges closer than 15 feet from the existing street pavement at a height of more than 30 inches above the level of the adjacent street pavement.

(C) Existing bushes, shrubs, and other plants shall be trimmed to 30 inches on sidewalk lines and so that pedestrians will be able to travel freely without injury to their clothes or their person.
(Ord. 1015, passed 8-17-1981; Am. Ord. 2160, passed 2-23-2009) Penalty, see § 96.99

§ 96.10 SHRUBBERY IN ALLEYS TO BE TRIMMED.

In all alleys, bushes, shrubs, or plants shall be kept trimmed so as not to interfere with traffic, or strike or scratch any vehicle using the alley.
(Ord. 1015, passed 8-17-1981) Penalty, see § 96.99

TRIMMING AND REMOVAL OF TREES**§ 96.20 LICENSE REQUIRED.**

It shall be unlawful for any person to engage in the business of the trimming and removal of trees and tree stumps within the city without first having obtained a license therefor.
(1963 Code, § 8-10-1) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976) Penalty, see § 96.99

§ 96.21 APPLICATION.

Applications for the license required by the preceding section shall be made in writing to the City Clerk, and shall recite the name and address of the person applying for the same.
(1963 Code, § 8-10-2) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.22 FEE.

The fee for such license shall be in the sum of \$15 for an annual license, payable in advance.
(1963 Code, § 8-10-3) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.23 PUBLIC LIABILITY INSURANCE REQUIRED.

(A) No person, firm or corporation shall receive a license as provided in § 96.20 until the licensee shall furnish public liability and workmen's compensation for accidents as follows:

For public liability:

(1) One-hundred thousand dollars per person for injury or death.

(2) Two-hundred thousand dollars for 2 or more people injured or killed.

(3) Fifty thousand dollars for property damages.

(4) One-hundred thousand dollars aggregate per year.

(B) This public liability insurance shall cover operations including their own work, that performed by subcontractors, and for automobiles and other motor vehicles.

(C) For workmen's compensation amounts shall be as required by the State of Illinois plus \$25,000 employers liability.

(D) Before any work is commenced a certificate of insurance shall be submitted to the City Clerk and approved by the City Attorney. Such certificate shall agree to give the city 10-days' notice of cancellation or any restrictive change in coverage or any reduction in policy limits below that required.
(1963 Code, § 8-10-4) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.24 COMPLIANCE WITH SAFETY REGULATIONS REQUIRED.

The licensee shall comply with safety regulations usual to the operation of such work, more particular, to keep all persons away from where he or she is working.

(1963 Code, § 8-10-5) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person, firm or corporation violating any provisions of § 96.09 or § 96.10 shall be fined not less than \$60 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1015, passed 8-17-1981; Am. Ord. 2160, passed 2-23-2009)

(C) Any person, firm or corporation violating any provisions of §§ 96.20 through 96.24 shall be fined not less than \$5 nor more than \$200, and a separate offense shall be deemed committed on each day during or on which a violation continues to occur.

(1963 Code, § 8-10-6) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

CHAPTER 97: ABANDONED VEHICLES

Section

- 97.01 Definitions
- 97.02 Abandonment unlawful
- 97.03 Police to be notified
- 97.04 Chief of Police may order removal
- 97.05 Police to keep record
- 97.06 Vehicle registration records
- 97.07 Identifying vehicle owner
- 97.08 Owner may reclaim
- 97.09 Vehicle to be sold at public sale
- 97.10 Registered owner not identified
- 97.11 Motor vehicle reclaimed
- 97.12 Proceeds from sale
- 97.13 Liability disclaimer
- 97.14 Junked vehicle not to remain on property
- 97.15 Authorization to remove vehicle

- 97.99 Penalty

Cross-references:

Impoundment and towing of vehicles, see
§ 71.11

§ 97.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved for 7 consecutive days.

ANTIQUE VEHICLE. Any motor vehicle or other vehicle 25 years of age or older.

DISMANTLED OR INOPERATIVE VEHICLE.

Any vehicle not abandoned but dismantled in whole or in part or otherwise rendered inoperative.

HIGHWAY. The entire width between the boundary lines of every alley, street, or other way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power other than by human power designed to travel along the ground by the use of wheels, treads, runners, or slides and to transport persons or property or pull machinery.
(1963 Code, § 6-7-1) (Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)

§ 97.02 ABANDONMENT UNLAWFUL.

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on any highway or on private property may be authorized for removal by or upon the order of the Chief of Police, after a waiting period of 7 days or more has expired.
(1963 Code, § 6-7-2) (Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)
Penalty, see § 97.99

§ 97.03 POLICE TO BE NOTIFIED.

When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the municipal Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicles or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this chapter.

(1963 Code, § 6-7-3) (Ord. 791, passed 7-6-1970)
Penalty, see § 97.99

§ 97.04 CHIEF OF POLICE MAY ORDER REMOVAL.

(A) When a motor vehicle or other vehicle is abandoned on a highway in this municipality 10 hours or more, its removal by a towing service may be authorized by order of the Chief of Police.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police.

(C) When a vehicle removal from either public or private property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.

(1963 Code, § 6-7-4) (Ord. 791, passed 7-6-1970)

§ 97.05 POLICE TO KEEP RECORD.

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

(1963 Code, § 6-7-5) (Ord. 791, passed 7-6-1970)

§ 97.06 VEHICLE REGISTRATION RECORDS.

(A) When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

(B) The Police Department will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information of the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

(1963 Code, § 6-7-6) (Ord. 791, passed 7-6-1970)

§ 97.07 IDENTIFYING VEHICLE OWNER.

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a

foreign state, if applicable, the Police Department shall notify the State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

(1963 Code, § 6-7-7) (Ord. 791, passed 7-6-1970)

§ 97.08 OWNER MAY RECLAIM.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

(1963 Code, § 6-7-8) (Ord. 791, passed 7-6-1970)

§ 97.09 VEHICLE TO BE SOLD AT PUBLIC SALE.

(A) Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, 7 years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(B) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

(1963 Code, § 6-7-9) (Ord. 791, passed 7-6-1970)

§ 97.10 REGISTERED OWNER NOT IDENTIFIED.

(A) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(B) When an abandoned vehicle of more than 7 years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and for an examination of the State Police stolen motor vehicle files for theft and wanted information. At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

(C) A motor vehicle or other vehicle classified as an antique vehicle is excluded from this chapter.

(1963 Code, § 6-7-10) (Ord. 791, passed 7-6-1970)

§ 97.11 MOTOR VEHICLE RECLAIMED.

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or

when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the Police Department for a period of 1 year from the date of the sale or disposal.

(1963 Code, § 6-7-11) (Ord. 791, passed 7-6-1970)

§ 97.12 PROCEEDS FROM SALE.

When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the Treasury.

(1963 Code, § 6-7-12) (Ord. 791, passed 7-6-1970)

§ 97.13 LIABILITY DISCLAIMER.

Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or owner's legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.

(1963 Code, § 6-7-13) (Ord. 791, passed 7-6-1970)

§ 97.14 JUNKED VEHICLE NOT TO REMAIN ON PROPERTY.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled or inoperative vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for longer time than 48 hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business

enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(1963 Code, § 6-7-14) (Ord. 791, passed 7-6-1970)

Penalty, see § 97.99

§ 97.15 AUTHORIZATION TO REMOVE VEHICLE.

The Chief of Police or any member of his or her Department designated by him or her is hereby authorized to remove or have removed any vehicle left at any place within the city which is in violation of § 97.14 of this chapter. Such vehicle shall be impounded until lawfully claimed or disposed of.

(1963 Code, § 6-7-15) (Ord. 791, passed 7-6-1970)

§ 97.99 PENALTY.

Additional penalties to any person and/or entity violating any provision of this chapter shall include a fine not less than \$60 and not exceeding \$750 for each violation of any provision of this chapter. Further, each day that such violation is committed or permitted to continue shall constitute a separate offense and violation.

(Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)

CHAPTER 98: PARKS

Section

- 98.01 Public parks designated
- 98.02 Use of parks; restrictions
- 98.03 Superintendent to erect signs

- 98.99 Penalty

Cross-reference:

Park Development Committee, see §§ 32.160 through 32.167

Recreation Board, see §§ 32.060 through 32.064

Riding bicycles in parks prohibited, see § 74.11

(B) Such organized activity ceased and was no longer being conducted in said park less than half an hour before the person or persons did enter upon said park, travel across said park, or loiter therein. (1963 Code, § 8-8-2) (Ord. 754, passed 5-13-1968)
Penalty, see § 98.99

§ 98.03 SUPERINTENDENT TO ERECT SIGNS.

The Superintendent of Public Works shall cause to be erected in all city parks signs bearing the following warning:

IT IS UNLAWFUL TO BE IN
THIS PARK AFTER THE HOUR
OF 10:00 P.M. UNTIL THE
HOUR OF 7:00 THE NEXT
MORNING, UNLESS YOU ARE
ENGAGED IN OR OBSERVING
OFFICIALLY ORGANIZED
ACTIVITY. VIOLATORS ARE
SUBJECT TO A FINE OF UP
TO ONE HUNDRED DOLLARS.

(1963 Code, § 8-8-3) (Ord. 754, passed 5-13-1968)

§ 98.01 PUBLIC PARKS DESIGNATED.

There shall be authorized and established, and hereafter maintained, the following public parks located within the city: The Hegeler Park, the City Park, the Tanagool Park and the Pulaski Park, for the use and benefit of the inhabitants of the city, and for the establishment and maintenance of the public parks, there shall be levied an annual tax therefor of 3 mills on the dollar, on all of the taxable property in the city. (1963 Code, § 8-8-1) (Ord. passed 6-15-1915; Am. Ord. 263, passed 9-30-1929)

§ 98.02 USE OF PARKS; RESTRICTIONS.

No persons shall hereafter be permitted to enter upon, travel across, or loiter in any city park after the hour of 10:00 p.m. in the evening and until the hour of 7:00 a.m. the next morning, unless:

(A) On the evening in question there was organized activity being conducted in the city park in question; and unless;

§ 98.99 PENALTY.

Any person, firm, or corporation violating the provisions of this chapter shall upon conviction be fined not less than \$15 nor more than \$100 for each and every offense.

(1963 Code, § 8-8-3) (Ord. 754, passed 5-13-1968)

